

ARI Research Note 98-28

Comparative International Military Personnel Policies

Gwyn Harries-Jenkins
University of Hull

Research and Advanced Concepts Office
Michael Drillings, Chief

July 1998



U.S. Army Research Institute
for the Behavioral and Social Sciences

Approved for public release; distribution is unlimited.

DTIC QUALITY INSPECTED 1

19980807 103

**U.S. Army Research Institute
for the Behavioral and Social Sciences**

A Directorate of the U.S. Total Army Personnel Command

**EDGAR M. JOHNSON
Director**

Research accomplished under contract
for the Department of the Army

University of Hull

NOTICES

DISTRIBUTION: This Research Note has been cleared for release to the Defense Technical Information Center (DTIC) to comply with regulatory requirements. It has been given no primary distribution other than to DTIC and will be available only through DTIC or the National Technical Information Service (NTIS).

FINAL DISPOSITION: This Research Note may be destroyed when it is no longer needed. Please do not return it to the U.S. Army Research Institute for the Behavioral and Social Sciences.

NOTE: The views, opinions, and findings in this Research Note are those of the author(s) and should not be construed as an official Department of the Army position, policy, or decision unless so designated by other authorized documents.

REPORT DOCUMENTATION PAGE

Form Approved
OMB No. 0704-0188

Public reporting burden for this collection of information is estimated to average 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to Washington Headquarters Services, Directorate for Information Operations and Reports, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202-4302, and to the Office of Management and Budget, Paperwork Reduction Project (0704-0188), Washington, DC 20503

1. AGENCY USE ONLY (Leave Blank)		2. REPORT DATE July 1998		3. REPORT TYPE AND DATES COVERED FINAL 8/27/91 - 8/28/95	
4. TITLE AND SUBTITLE Comparative International Military Personnel Policies				5. FUNDING NUMBERS PE: 0601102A PR: B74F TA: 4902 WU: C03 Contract No. DAJA45-93-C-0014	
6. AUTHOR(S) Gwyn Harries-Jenkins (University of Hull)					
7. PERFORMING ORGANIZATION NAME(S) AND ADDRESS(ES) University of Hull Hull HU6 7SZ United Kingdom				8. PERFORMING ORGANIZATION REPORT NUMBER	
9. SPONSORING/MONITORING AGENCY NAME(S) AND ADDRESS(ES) U. S. Army Research Institute ATTN: PERI-BR 5001 Eisenhower Avenue Alexandria, VA 22333-5600				10. SPONSORING/MONITORING AGENCY REPORT NUMBER Research Note 98-28	
11. SUPPLEMENTARY NOTES COR: Dr. Michael Drillings					
12a. DISTRIBUTION/AVAILABILITY STATEMENT Approved for Public Release; Distribution is Unlimited.				12b. DISTRIBUTION CODE	
13. ABSTRACT (Maximum 200 words): This report looks at the problems associated with the recruitment and employment of military personnel in Western industrialized society. It is particularly concerned with issues relating to the recruitment and retention within the military of homosexuals, that is, those individuals who have a sexual propensity for persons of their own gender. After reviewing the legal definitions of homosexuality, homosexual acts and homosexual offenses, the Report concentrates on issues of policies, practices and problems. These are analyzed in the context of seven countries (Belgium, France, Germany, Italy, and the Netherlands, Scandinavia and the United Kingdom). Ten national reports are presented.					
14. SUBJECT TERMS military manpower homosexuality military personnel comparative military systems				15. NUMBER OF PAGES 277	
				16. PRICE CODE	
17. SECURITY CLASSIFICATION OF REPORT Unclassified		18. SECURITY CLASSIFICATION OF THIS PAGE Unclassified		19. SECURITY CLASSIFICATION OF ABSTRACT Unclassified	
				20. LIMITATION OF ABSTRACT Unlimited	

RESEARCH PROJECT
COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

Gwyn Harries-Jenkins
University of Hull
Editor

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

TABLE OF CONTENTS

Preface	iii
Gwyn Harries-Jenkins	
Introduction	1
Gwyn Harries-Jenkins	
Homosexuality and Armed Forces in The Netherlands	35
Marion Andersen-Boers and Jan van der Meulen	
Training Courses on Homosexuality for Armed Forces Personnel	55
Henk van den Boogaard	
Homosexuality and Military Service in Germany	68
Bernhard Fleckenstein	
Homosexuals in the Armed Forces of the United Kingdom	90
Gwyn Harries-Jenkins and Christopher Dandeker	
Homosexuality in the Armed Forces: the Chilean standpoint	114
Manuel Jiménez	
Homosexuality and the Armed Forces in The Netherlands	120
Evert Ketting and Klaas Soesbeck	
Homosexuals in the Belgian Military	143
Philippe Manigart	

Homosexuality and Armed Forces in Italy	169
Marina Nuciari	
The Military and Homosexuality, the French Case: A Summary	186
Gwyn Harries-Jenkins	
Armée et Homosexualité "The French Agreement"	195
Gilles Robert and Louis Michel Fabre	
Homosexuals in the Armed Forces in Scandinavia	215
Henning Sorensen	
Appendix A	I
List of Participants	
Appendix B	VI
Official Dutch Policy Statement	
Appendix C	IX
Conference Attendees	
Appendix D	XI
Biographies	

PREFACE

Professor Gwyn Harries-Jenkins

University of Hull

This research project on comparative international military personnel policies (CIMPP), set out to extend the initial area of inquiry into the status of homosexuals in Western armed forces. In the first phase, the adopted conceptual framework was based on the comparative analysis of three major variables:

- ☐ Policies
- ☐ Practices
- ☐ Problems

The consequent research strategy analysed these three variables by presenting data derived from a number of case studies. These covered the following countries:

- ☐ Belgium
- ☐ Germany
- ☐ The Netherlands
- ☐ Scandinavia
- ☐ United Kingdom

The second phase of research, which was carried out in the period 1st May 1993 to 31st July 1993, had three primary objectives:

- ☐ to review the conceptual framework
- ☐ to revise the presented case studies
- ☐ to extend the range of case studies.

The research timetable culminated in a research workshop held in Beverley, North Humberside, United Kingdom, from Friday 9th July to Monday 12th July. The European participants were:

Dr Henk van den Boogaard	The Netherlands
Colonel LM Fabre	France
Professor Bernard Fleckenstein	Germany
Professor Gwyn Harries-Jenkins	United Kingdom
Professor Manuel Jimenez	United Kingdom (Chile)
Dr Evert Ketting	The Netherlands
Dr Philippe Manigart	Belgium
Dr Jan S van der Meulen	The Netherlands
Professor Marina Nuciari	Italy
Dr Henning Sorensen	Denmark

A workshop paper submitted by Dr Christopher Dandeker of the Department of War Studies, King's College, London who was unable to participate, was presented by the Project Director.

Technical advice and support were provided by three specialists from the United States:

Dr Paul A Gade	US Army Research Institute
Dr Milton Katz	US Army Research Institute
Professor David Segal	University of Maryland

Dr Edgar W Johnson, Director of the US Army Research Institute was, on this occasion, unable to be a participant.

The full academic/organizational affiliations of these team members and their addresses, are listed in Appendix A.

INTRODUCTION

Traditionally, military socialisation has been linked to the development and maintenance of an occupational culture, the symbols, rituals and values of which have constituted an idealised self-image. In Western industrialised society, the latter has stressed the importance of such qualities as toughness, aggressiveness, endurance and controlled deviancy. These, irrespective of the logic of the arguments which have been put forward, have been perceived as masculine traits; inadequate or poor performance, on the other hand, has been equated with a femininity which is the antithesis of effective soldiering. To maintain and develop the military self-image, armed forces have established complex personnel policies and practices. Almost without exception, these have emphasised the notion of conformity, and from the moment of recruitment through induction and advanced training, military personnel have been conditioned to believe that these male traits and this concept of masculinity are desirable qualities. Hockey¹ comments,

This self-image is one which combines traditional masculine values with a competence in the techniques of survival and liquidation. Recruits perceive themselves very much in the same fashion as the Corporal who saw that "soldiers should be young and fit, rough and nasty, not powder puffs".

One long-standing effect of this interpretation of the desired qualities of the traditional military image, has been the opposition within armed forces to any demonstration of homosexual tendencies. Those service personnel who have shown a sexual propensity for persons of their own gender, have been thought to exhibit a pattern of behaviour which contradicts the conventional identification of the idealised self-image. They have been seen to be deviants and the military has persistently taken draconian steps to ensure that such individuals do not form part of the military organisation. For many years, this military preference fitted closely with national legislation and the military was always able to justify its stance on the grounds that armed forces, as the mirror of the parent society, simply reproduced in their military legislation, attributes of normal national legal practice. This is not to deny that homosexuals were always found within military organisations. Winston Churchill, many years ago, in a famous quotation, argued that one of the defining characteristics of the Royal Navy in Napoleonic times was the manner in which it was representative of 'rum, sodomy and the lash'. Nevertheless, deviant behaviour on discovery was always punished and there is little doubt that the military, in common with other parts of the parent society, traditionally enforced a legal system designed to punish homosexuals.

Comparative International Military Personnel Policies

In contemporary western military organizations, changes in national legislation have materially affected the status and position of homosexuals. In general, as US Government Document, Nonconforming Sexual Orientations and Military Suitability, notes, "a public admission of homosexuality under prevailing social conditions, carries less stigma than in earlier times, and is no legal bar to most employment"². A similar comment is made by the British Select Committee on the Armed Forces Bill (1991).³

"Society outside the Armed Forces is now much more tolerant of differences in sexual orientation than it was".

The position in armed forces, however, is far from uniform since national policy differs radically. This ranges from the tolerance of Norway to the absolute prohibition of countries such as Greece, Turkey, Italy and Ireland. For Norway it is said that,

"Homosexuality in the Armed Forces has not represented any problem of significance. It is not on record in Norway that any disciplinary action has been taken against a military serviceman for his homosexual behaviour"⁴

Scandinavian military sources have equally stressed that homosexuality in the military is not an issue. The Swedish Joint Chief of Staff in an official report stated that

Homosexuality as such will not and shall not disqualify anyone from any service within the armed forces for it is not seen as any sexual anomaly.⁵

This contrasts markedly to strict legislation such as that of the United Kingdom. Here, the Sexual Offences Act of 1967 which legalised certain homosexual acts in private between adult men over the age of 21, specifically stated that it did not prevent an act from constituting a military offence. Accordingly, 39 service personnel were dismissed between 1988-1992 following conviction for an offence involving homosexual activity (Royal Navy: 9; Army: 22; Royal Air Force: 8). A further 296 were discharged as a result of administrative action, that is, no formal disciplinary charges were made. Of those discharged on administrative grounds from the Army during this period, over half were women.⁶

Irrespective, however, of change in national and military legislation, national practices vary considerably. When these are examined in greater detail, together with the many problems which occur, it can be concluded that in reality there are three major areas of uncertainty and controversy.

- ☐ Policies
- ☐ Practices
- ☐ Problems

Although these three distinctive facets of the overarching issue can be distinguished, it is evident that in reality all three merge together to constitute a major variable in military staffing and management decision-making. Even so, it is desirable to identify specifically the characteristics of each component and to consider these in more detail.

- ☐ “Policies”, in this context, refers to the declared aims and objectives of the military organization which govern the employment of personnel within national armed forces. Such aims and objectives are not static and they change over time. The term also relates to the rules and regulations which, in the guise of “military law”, govern the behaviour of individual service personnel.
- ☐ “Practices”, equally refers to the employment of personnel. Specifically, the term acknowledges that the culture of military organisations in reflecting an amalgam of symbols, rituals, heroes and values, provides a set of operational criteria. These may imply accord with declared ‘policies’; they may enlarge upon them through the provision of examples and rules of good practice. They will in some situations provide an alternative to formal rules and regulations.
- ☐ “Problems” are the garbage can of decision-making. Notwithstanding legislative provision and an acknowledgement of the impact of culture on management practice, the military, in common with other large complex organisations, is consistently faced with the existence of major operational problems. Minor issues can be readily solved; major questions require more consideration and deliberation.

1. THE BACKGROUND

We are concerned in this report on comparative military personnel practices, with a general enquiry into the recruitment to and retention of homosexuals in the military. In this enquiry, any lengthy or detailed study of the nature or origins of homosexuality falls outside our remit. It is, moreover, difficult to gather and make available factual information about this issue. A considerable body of literature exists⁷ but much of that which is written presents value-based comments both in support of and in opposition to the practice. These polemics represent entrenched positions which inhibit rational analysis.

It is accordingly important to begin with a clear distinction between homosexuality, homosexual acts and homosexual offences. The Shorter Oxford English dictionary definition of the first states simply that,

homosexuality is having a sexual propensity for persons of one's own sex

Such a definition, however, is not universally accepted. The Diagnostic and Statistical Manual of the American Psychiatric Association listed homosexuality in the Second Edition of 1968-73 (DSM-11) as one of the "sexual deviations". During 1973, the Nomenclature Committee of the APA under pressure from many professionals, especially gay activist groups, recommended to the general membership the elimination of the category, "homosexuality" and the substitution of the term "sexual orientation disturbance". For this Report, however, the conventional dictionary definition is used.

This definition, as is pointed out in the 1957 British Report of the Committee on Homosexual Offences and Prostitution (the Wolfenden Report), "involves the adoption of some criteria for its recognition"⁸. As in other psychological fields, the conclusion that such a propensity exists has to be derived from both subjective and objective data. The former will reflect what is felt by the person concerned; the latter, what is done. The use of such data as the determinant of the presence or absence of the sexual propensity has to be treated with caution, for its use is subject to the strict rules of evidence. This is particularly so where subjective data is the basis of evaluation.

-
- ❑ Individual service personnel may not be aware of either the existence or strength of a feeling or propensity. "Rationalisation and self-deception can be carried to great lengths and in some cases lying is also to be expected".⁸
 - ❑ There exists in certain persons a homosexual propensity which varies quantitatively at different periods of life.
 - ❑ It is argued by the psycho-analytic school, that a homosexual component, either conscious or not, exists in all of us.
 - ❑ Homosexuals differ in the degree to which they are aware of the propensity within themselves. Where service personnel are quite unaware of it, their homosexuality is latent, its existence being inferred from the individual's behaviour in spheres not clearly sexual. The Wolfenden Report notes:

Although there is room for dispute as to the extent and variety of behaviour of this kind which may legitimately be included in the making of this inference, there is general agreement that the existence of a latent homosexual is an inference validly to be drawn in certain cases.

In civil society, however, any debate about the validity or otherwise of this subjective data usually has limited consequences. There are a limited number of occupations other than the military where the employment of homosexuals continues to attract controversy. Most noticeable of these is the police. The idealised self-image in Europe in that of a 'straight' often aggressive uniformed force. Organisations such as the Lesbian and Gay Police Association (LAGPA) in the United Kingdom, the Gay Cops United Foundation in Canada together with two Dutch interest groups - Werkgroep Politie en Homoseksualiteit and Werkgroep Homo-emancipatie represent an alternative occupational identity. The position within military organizations, however, is more complex. The point will be discussed more fully in an examination of the policies adopted by national armed forces. At this juncture, it can be noted that at the point of recruitment, an admission of homosexuality will, in some countries, debar an individual from enlistment. Subsequently, an admission of homosexuality ("coming-out of the closet") or the inference that an individual has a sexual propensity for persons of the same sex, will, in some countries, constitute an offence under military law. This is so even when such a propensity does not otherwise come within the purview of the civil criminal law. In other countries, the military is little different from any other occupational group in its treatment of homosexuals and an admission of homosexuality is no bar to employment.

Comparative International Military Personnel Policies

Whereas homosexuality, by definition, is a state or condition the existence of which has to be determined from primarily subjective data, homosexual acts are evidenced by objective data. A latent homosexuality may be influenced from behaviour which is not overtly sexual. It may thus be inferred from an individual's outlook or expression of opinion or preference for a certain mode of conduct. Homosexual acts, in contrast, are overtly sexual. They are, for example, defined in current US Army Regulations as:

bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires. (AR 135-175, Separation of Officers; AR 135-178, Separation of Enlisted Personnel).

The concept of homosexual offences extends by definition the identification of homosexuality as a state or condition, and the identification of homosexual acts as a form of sexual behaviour. Homosexual offences are those overt acts which because they are contrary to law, renders the perpetuating individual or individuals liable to prosecution. On conviction, the offender is punished, the severity of that punishment varying in accordance with the dictates of national practice. What constitutes a homosexual offence varies from country and has changed over time. There are no absolute homosexual offences. Notwithstanding the prescriptions of a Judaeo-Christian tradition, it is in actuality contemporary legislators who define the legality or otherwise of a specific homosexual act. Contemporary national legislation in Western industrialized societies commonly follows three precepts:

- ☐ there is a need for laws to safeguard those in need of protection by reason of their youth or mental incapacity
- ☐ a major function of law is the preservation of order and decency in public places
- ☐ there is a requirement to regulate conduct seen to be contrary to the public good.

To these determinants of civil legislation, military legislation usually adds:

- ☐ the need to regulate conduct prejudicial to good order and discipline.

Within this legal framework, the attribution of illegality to a given sexual act, will vary over time. An example of this is the debate in the 1950s about the extent to

which it was proper for national legislation to concern itself with what consenting adults did in private. Prior to the debate, the offence of buggery or sodomy existed irrespective of whether the act was committed in private or public. After the debate, many countries determined that homosexual behaviour between consenting adults in private should no longer be a criminal offence. Given this reservation, the following list constitutes acts which are or which have been, identified as criminal offences:

Offence

- ☐ Buggery
- ☐ Attempted buggery
- ☐ Indecent assault on a male by a male
- ☐ Indecent assault on a female by a female
- ☐ Acts of gross indecency between males
- ☐ Procuring acts of gross indecency between males
- ☐ Attempting to procure acts of gross indecency between males
- ☐ Assaults with intent to commit buggery
- ☐ Persistent soliciting or importuning of males by males for immoral purposes (where the "immoral purposes" involve homosexual behaviour)

In general, three offences can be grouped under three headings. Firstly, there are the traditional or "biblical" offences. These are primarily identified with the act of buggery, that is, sexual intercourse (i) per anum between man and man, or (ii) between man and woman, (iii) in any manner between human beings and beasts. In some countries, these offences are redefined as sodomy and bestiality. Secondly, there are those acts involving a degree of violence, that is some form of assault, which would constitute an offence irrespective of the sexual propensities of those involved. Finally, there are the offences of procurement of soliciting (importuning) which involve sexual behaviour deemed to be a criminal act, irrespective of its homosexual or heterosexual connection.

In civil society, the first category of offences has been largely decriminalized in situations where the sexual acts are performed in private by adults who are above the legal age of consent. This policy, however, has not been necessarily followed by military law. The rationale for this was provided in the British Wolfenden Report.

Offences in Disciplinary Services and Establishments

144. We recognise that within services and establishments whose members are subject to a disciplinary régime it may be necessary, for the sake of good management and the preservation of discipline and for the protection of those of subordinate rank or position, to regard homosexual behaviour, even by consenting adults in private, as an offence. For instance, if our recommendations are accepted, a serving soldier over twenty-one who commits a homosexual act with a consenting adult partner in private will cease to be guilty of a civil offence or of an offence against Section 70 (1) of the Army Act, 1955 (which provides that any person subject to military law who commits a civil offence shall be guilty of an offence under that section, and hence liable to be dealt with by court-martial). The service authorities may nevertheless consider it necessary to retain Section 66 of the Act (which provides for the punishment of, *inter alia*, disgraceful conduct of an indecent or unnatural kind) on the ground that it is essential, in the services, to treat as offences certain types of conduct which may not amount to offences under the civil code. Similar problems may arise in relation to other services and establishments.

2. POLICIES

It is the complexity of law and the variations which exist in national armed forces, that make it necessary to examine in more detail the policies and practices of the military. To effect this analysis, our approach distinguished two issues:

- ☐ the policy of the military at the point of recruitment
- ☐ policies and practices governing employment in the armed forces.

2.1 Policies at the Point of Recruitment

The simple distinction is between open and closed entry:

Open Entry

Belgium
Denmark
France
Germany
Israel
Luxembourg
Netherlands
Norway
Spain
Sweden

Closed Entry

Greece
Ireland
Italy
Turkey
United Kingdom

In those countries which favour open entry, applicants are not questioned about their sexual orientations. A policy statement from the Netherlands Ministry of Defence (Directorate-General Personnel) summarises national policy:

During the medical examination and upon entering the Service, no questions are asked relating to the sexual orientation of the conscript/applicant. In the event that the sexual orientation is brought up by the conscript/applicant, it will not be recorded. For that reason the number of homosexuals in the armed forces is unknown.

The generally expressed rationale for this approach is that sexual orientation is considered to be a purely personal issue.

The policy of closed entry starts from the premise that homosexuality is incompatible with service in the military. Accordingly, individuals are often directly questioned about their sexual preferences. It is increasingly argued by gay and lesbian pressure groups that this constitutes an infringement of civil rights. This was also the position in a number of countries which in the past had a policy of closed entry. In Canada, for example, there has been open entry to the military following the ruling of the Federal Court of Canada that the military's previous

policy on sexual orientation violated the 1985 Charter of Rights and Freedom. The Charter gives to Canadians civil right guarantees similar to those found in the Constitution of the United States, but it also contains legislation on sex discrimination which was considered and rejected in the United States during debates over the Equal Rights Amendment: the 1970s and 1980s. The simple distinction between "open" and "closed" entry, however, is complicated by the status of recruits as conscripts or volunteers. For the former, there was in the past some reluctance to allow potential conscripts to avoid service by claiming that they were homosexuals. The position changed as most countries moved to a form of selective rather than national service and were accordingly more prepared to allow exemptions from conscription to a wide number of interest groups. Paradoxically, there are now signs as in Italy that such exemptions can be interpreted as discriminatory. Accordingly, open entry is more common at the point of recruitment than is closed entry.

2.2 Policies Governing Employment

The policies adopted by national armed forces with regard to the continued employment of homosexuals vary considerably. Policies can be most readily evaluated against a continuum which recognises that national policies range from the rejection of homosexuals to an almost indifference to their employment. Contemporary national policies can be grouped under three headings on this continuum.

Status Equality
Limited Tolerance
Absolute Prohibition

2.3 Status Equality

The personnel and recruitment policy adopted by most European governments accepts that full membership of the armed forces is open to individuals irrespective of their sexual preferences. There are, however, a number of conditions which affect this general principle. These are readily identified in national administrative and legislative provisions:

Belgium

Under the Belgian Criminal Law, homosexuality as such is not a criminal offence. The Military Penal Code contains no specific provisions concerning homosexuality. During recruitment of forces personnel, no distinction is made between candidates on grounds of sexuality. Neither conscripts nor volunteers are questioned about their sexual orientations and preferences. Accordingly, homosexuality, in itself, does not exempt Belgian male citizens from the obligations of the draft unless there are psychological reasons for such exemption. Homosexual conduct between consenting adults of military personnel off duty is not a punishable offence. However, as in other countries, inappropriate behaviour whether of homosexual or heterosexual origin may constitute a disciplinary offence.

Denmark

From February 1979, homosexuals have been able to enlist and become professional soldiers, NCOs or officers. There are no penal or administrative measures affecting homosexuals in Danish military legislation, except where a homosexual military employee uses his/her authority to coerce a more junior military employee to have sex. The same rules apply to heterosexuals. Individual sexual orientation is seen to be a personal, private matter.

France

There is no military law against sexual acts between members of the armed forces which take place in a private place. Homosexuality is not considered a security risk, nor is there exemption from military service for homosexuals. Seemingly, there is no problem, socially or collectively, with regard to the employment of homosexuals in the army. Their activities are neither forbidden, neither protected, nor sympathised with. If homosexuals discreetly keep themselves to themselves then they can serve within the military. The critical issue is whether homosexuals harass other members of their unit.

Luxembourg

Homosexuals are not banned from service in the military. The latter is a voluntary obligation and enlistees are not questioned about their sexual orientation. As in Belgium, *inter alia*, improper conduct, however, continues to be a punishable offence.

Netherlands

The civil law of the Netherlands grants equal status to homosexuality and heterosexuality for the Basic Law prohibits discrimination for any reason. There are no separate articles in Military Laws and Regulations which affect homosexuals. Dutch law permit members of the armed services to engage in consensual homosexual relationships when off duty and away from military premises, be it with a civilian, or a member of the armed services of same or another rank. Not only does a union exist to represent homosexuals in the armed forces but legislation is pending which will extend specific benefits to homosexual partners. Courses in human resource management (HRM) for commanding officers are designed to consider the problems faced by homosexuals within the organization.

Norway

As long as homosexual behaviour does not involve sexual acts against minors, Norwegian Civil Laws and Military Laws and Regulations do not make it a criminal offence to be a homosexual or to indulge in homosexual behaviour. Homosexuality is not considered a security risk. Homosexuality within the military is also considered not to be a relevant issue (vide France) and recruits are not questioned about their sexual orientation. As elsewhere (vide Belgium, Luxembourg, The Netherlands) improper behaviour in either homosexual or heterosexual situations is considered to be contrary to good order and discipline. The status of homosexuals in the military, however, is far from certain for discussions continue to take place about the extension of such personnel benefits as living allowances and military housing allowances to homosexual partnerships. Sexual orientation is considered to be a purely personal issue.

Spain

The Spanish Parliament has approved the repeal of article 352 of the Military Justice Code, so decriminalising homosexual acts by military personnel (28 December 1984). The consequent absence of legislation governing the employment of homosexuals in armed forces reflects the belief that sexual preference is a matter of individual choice.

2.4 Limited Tolerance

For some countries, liberal policies which allow homosexuals to serve openly within the armed forces without any constraints are not acceptable. In particular, full equality of treatment is rejected. At the same time this rejection is not extended to the point where homosexuals in the military are proscribed. "Limited tolerance" accordingly represents a middle position in which although homosexuality is not a civilian offence, the full integration of homosexuals into the armed forces does not occur. The position is clearly seen in the Bundeswehr.

Germany

Membership of the armed forces is open to homosexuals and homosexuality cannot be advanced as a reason for avoiding the draft. Potential gay conscripts, however, who claim that service would be psychologically harmful are boarded and may be given alternative forms of mandatory national service. Yet whilst it is claimed that homosexuals and heterosexuals are treated equally, the former are either barred from serving as officers or find that promotion is blocked. This discrimination also extends to access to information with the highest security classifications. As in other countries, sexual harassment is a disciplinary offence irrespective of the sexuality of individuals.

Israel

Although Judaism considers homosexuality to be an aberration, no conscript is asked about sexual preferences. Under a 1983 military order, those who acknowledge or are suspected of homosexual tendencies are referred for psychological testing. This is aimed at determining whether an individual's sexual orientation is an isolated phenomenon or whether it is indicative of a pattern of behaviour which would constitute a security or operational risk. For those identified as a risk, limitations are placed on their employment. Reuven Gal, director of the Israeli Institute of Military Studies, notes that

"there will be an indicator in his file that limits him from serving with specific units, such as intelligence - or in small units where the closeness of living accommodation is so tight and limited it may create problems."¹⁰

2.5 Absolute Prohibition

Although gay and lesbian support organisations and pressure groups argue that homosexuality should no longer be a bar to membership of the armed forces, there are still some instances where governments refuse to acknowledge that the military should accept homosexuals or homosexual activity. The reasons why such activity is thought to be acceptable or unacceptable have been discussed at some length and it is not the intention of this Report to rehearse these arguments. What can be concluded, nevertheless, is that there are a number of countries in which it is accepted as a matter of policy that homosexual activity is not compatible with service in the armed forces. In some instances this is a total ban which is accompanied by criminal prosecution for a breach of national legislation or derived military law; in a few cases, the military has been forced to accept that the decriminalisation of homosexual activity between consenting adults has equally amended military law.

Ireland

The traditional Irish position was that homosexuals were prohibited from serving in the military. This was in accordance with the general ban in Ireland on homosexual acts, based on 19th-century law. Although this was found to be in breach of the European convention on human rights almost five years ago, it was not until 18 May 1993 that the Irish government decided to legalise homosexual acts, opting for the radical alternative of equating homosexuality with heterosexuality with the age of consent of 17. It is understood that changes will be made to military law but it is not clear whether, as in Northern Ireland, these will be on a par with the UK position.

Italy

A distinction can be drawn between the status of conscripts and regular service personnel. For the former, a substantial open-mindedness towards them is based on the law, DPR 2/9/1985 n 1008 art 40, which stipulates that:

homosexuality is not to be considered any more as a reason of exemption per se from military service, but as a behavioural anomaly which is to be evaluated as a symptom of character pathology implying a social pathology.

Article 40 states that the behavioural 'deviance' must be certified by the police (carabinieri); the Military Medical Service judges on the existence of the anomaly. For career personnel, a declaration of homosexuality (coming out of the closet) leads to the individual being asked, as Marina Nuciari notes, to being asked discreetly but firmly to resign.

United Kingdom

On the repeal of the special provisions of Section 1(5) of the Sexual Offences Act 1967, military law in the United Kingdom came into line with civil law which stipulated that homosexual acts undertaken in private between two consenting males over the age of 21 shall not be a criminal offence.

- ☐ Homosexual acts where one party is under the age of 21 continue to be a criminal offence under both military and civil law.
- ☐ Lesbian acts did not and do not constitute a criminal offence.

It remains, however, the policy of the Ministry of Defence not to accept homosexual activity within the armed forces. Service personnel who are involved in homosexual activity will continue as previously, to be administratively discharged, irrespective of whether any criminal offence has taken place.¹¹

3. PRACTICES

The policies which apply to the status of homosexuals within armed forces in Western industrialized society are complemented by a complex set of practices. The latter, as have been noted are a reflection of the culture of both the military and the parent society. Practices can be grouped under three headings:

- ☐ Negative practices
- ☐ Positive practices
- ☐ Neutral practices

In addition, they may be formal or informal.

The conceptual relationship of these practices to policies is shown in Figure 1.

Figure 1

		POLICIES		
		PROHIBITION	TOLERANCE	EQUALITY
PRACTICES	NEGATIVE			
	POSITIVE			
	NEUTRAL			

The problems which are faced by contemporary military organizations can be located within the interaction of these variables.

Negative practices constrain the employment of homosexuals in the military. They are essentially prohibitory although they can be distinguished from the implementation of a legal process which criminalizes homosexuality.

- Formal negative practices revolve around the use of administrative or medical sanctions. The latter as in the case of Italy, start from the premise that homosexuality is a form of psychological deviancy. Homosexuals are deemed medically unsuitable for military service. On the basis of a medical examination, conscripts, for example, will be found illegible for service if they are found to have "behavioural anomalies" resulting from their sexual orientation. In Belgium, where homosexuality does not in itself exempt Belgians from the draft, accompanying psychological disorder as determined by clinical evaluation will exclude homosexuals from the

military.

- ❑ Administrative sanctions are particularly used in the United Kingdom where notwithstanding the amendment of the Sexual Offences Act 1967, it is still held that homosexual activity is incompatible with service in the armed forces. Although criminal proceedings will not be taken against servicemen and women for homosexual acts that are not criminal offences in civilian law, such individuals are discharged from the military. There is, however, no question of their having a criminal record on account of their homosexuality. For the United States, the July 1993 decision to establish a system of procedure for the administrative separation of personnel on the grounds of their homosexuality, changed the traditional and long established law on the criminal prosecution of homosexuals in the military.
- ❑ Administrative discharge may also be the practice where improper conduct is deemed to be a breach of service discipline. Offences such as coercion or harassment irrespective of whether the associated sexual relationship is homosexual or heterosexual, continue to be punished as “conduct prejudicial to good order and discipline”. The latter term can have a wider interpretation to include conduct such as a sexual relationship between service personnel of different ranks although such a relationship would not be an offence in a civilian organization. The United Kingdom also stipulates that major breaches of these rules on conduct will constitute offences punishable by court-martial as an alternative to administrative discharge.
- ❑ Informal negative practices reflect directly the culture of the group or sub-group within the military. They include such behaviour on the one hand as a mild form of hazing to “gay-bashing” on the other. They include the exercise of other forms of peer pressure such as exclusion from the group to enforce a cultural norm on group members. The crux of this norm is the aim of maintaining of a sense of group solidarity which sees homosexual activities as a source of difficulties for the community and a threat to the military masculine self-image.

Positive practices are the steps taken by military organizations to facilitate the employment of homosexuals within armed forces. The primary objective is to

Comparative International Military Personnel Policies

attain a position of status equality for homosexuals and heterosexuals. Pressure to promote such practices stems initially from three quarters:

- ❑ The effect of changes in military legislation consequent upon changes to national legislation designed to promote equal rights for individuals irrespective of race, gender or sexual preferences.¹²
- ❑ The insistence by interest groups that discrimination against homosexuals in the military should end.
- ❑ As a reaction to homophobic violence. Since this can be disruptive within military units, positive practices are considered to be a means of maintaining a sense of group cohesiveness.

A clear example of positive practices is the provision in the Netherlands of courses in human relations for commanding officers; these are designed *inter alia* to provide guidance in coping with homosexual issues. Additionally, for the Netherlands, a political philosophy which in the past encouraged the creation of trade unions to represent the interest of members of the armed forces, has been extended to facilitate the establishment of a union to represent homosexuals in the military.

For some armed forces, a critical issue continues to be the extent to which homophobia violence, either explicit or implicit, is indicative of a lessening of the group cohesiveness of a military formation. A traditional evaluation of the problem argues that such violence is a reflection of the degree to which the presence of homosexuals in a military formation will, as the US Secretary of the Navy commented in 1981 in another context, adversely affect discipline, order, morale, trust, and confidence among service members or impair the system of rank and command.¹³ Positive practices in this context are accordingly designed to reduce the degree of tension which occurs. They also provide the basis for an alternative evaluation of the effect upon group cohesiveness of the presence within a military unit of a number of homosexuals.

Neutral practices recognise, and are a reflection of, a culturally determined position in which homosexuality in armed forces is not seen to be a major issue. A major feature of these neutral practices is the absence within the military of any legislation or written codes which govern the status of homosexuals within armed forces. This is the position in Denmark, as well as in France, Portugal and Spain where the national legal code reflects the rejection in the nineteenth century of

traditional laws of governing homosexuality.¹⁴ It is to be noted that in the Netherlands, this departure from a long-standing legal tradition has led to the Basic Law which prohibits discrimination for any reason. In this instance, however, as in Norway where the freedom within the military of heterosexual relationships has been extended to homosexuals, the concept of neutral practices merges with positive practices. Neutral practices are also to be seen in those countries such as Norway, Denmark, Luxembourg and Belgium where no one entering the armed forces is asked about their sexual orientation. This reflects the belief that sexuality is a personal, private matter.

In summary, it is evident that the practices of military organizations in Western industrialized society can be located along a continuum which ranges from the negative practices designed to exclude homosexuals to positive practices aimed at facilitating their integration into the military. For the majority of national armed forces, the exercise of neutral practices reflects a position in which homosexuality in the military is not seen to be an issue.

4. PROBLEMS

In analysing the problems which governments face in recruiting and retaining homosexuals within the military, there are a number of specific national issues. These are discussed later in this Report. Whilst these papers represent the interaction of policy and practice in a specific cultural context, there are, however, certain issues which are more generally common to all armed forces.

These issues can be categorised as:

- ☐ Operational Problems
- ☐ Social Problems
- ☐ Political Problems

Operational problems are those which affect (objective) or are thought to affect (subjective) the efficiency and effectiveness of the military as a fighting force. The former are seen, for example, in the difficulties associated with the employment of personnel with certain specific medical conditions. This is especially so in combat situations; the latter centre on the complex question of leadership and cohesion in the military organization.

Social problems are primarily associated with the identification of acceptable behavioural standards in the armed forces. The abolition of discrimination on the grounds of sexual orientation implies that homosexual behaviour by service personnel should be treated for disciplinary and administrative purposes in exactly the same way as heterosexual behaviour. The continuing issue, however, is the identification of what is "acceptable" in a specific context.

Political problems reflect the status of the military in contemporary Western industrialized society. Civil-military relationships are both complex and convoluted. They are, by and large, derived from traditional perceptions and assessments, the nature of which have changed as military personnel practices shift away from long established patterns of recruitment and employment.

4.1 Operational Problems

A major operational problem is linked to the medical consequences of certain illnesses. Every military organisation has a responsibility to ensure that its personnel are fit to undertake required operational duties. For that reason, armed forces set health criteria which it regularly monitors whilst coincidentally establishing programmes of health care, the scope and nature of which far exceed the provision of civilian organisations. A rationale for this is derived from the nature of military service which may involve postings overseas at short notice under adverse conditions, even if actual combat is not involved.

Underlying this concern with operational efficiency is the conclusion that personnel with certain medical conditions pose a major risk. The nature of this concern is summarised by the New Zealand Defence Forces [NZDF] as 'having in the body organisms capable of causing illness'.¹⁵ This includes personnel who have such diseases or conditions as Acquired Immune Deficiency Syndrome [AIDS] and Hepatitis B or C. These illnesses can inadvertently be transmitted through unscreened blood transfusions. The risk of this occurring is much greater in the Armed Forces than in the general community because of the very nature of military service. Under certain conditions, particularly in combat situations, every service person is a potential blood donor for another. Whilst non-blood products are available for use in emergency situations, these are plasma expanders

which, while they are acceptable in the short-term, do not replace blood. Consequently, there are two problems:

- ❑ The use of unscreened blood clearly presents a risk.
- ❑ Although rapid HIV testing has been developed for use in situations where conventional testing is not available, this is not appropriate for battle-field situations.

One solution is to submit personnel to routine periodic HIV or Hepatitis B/C screening. This is expensive and there is a danger of false positive/negative results. Even so, it can be argued that personnel should be tested for operational reasons. It is to be noted that the medical fitness of personnel for overseas duty under United Nations auspices is governed by UN rules. Personnel must be tested before deployment and be HIV negative and Hepatitis B/C negative.

It can, however, be argued that such testing infringes the human rights of individuals. For Denmark, as Sorensen notes in this Report:

"No specific health care initiatives are applied towards homosexuals. No military or civilian employees are requested to get an HIV test."

The Danish argument is that this particular illness, in common with other illnesses such as cancer, will affect the ability of the individual to perform a given task. When individuals are medically unfit for service, the normal processes of care and consideration take place. No special consideration will be given to a particular illness:

"Denmark recruits soldiers even if they state that they are HIV positive or have AIDS. The only question asked by the military organisation is, "Are you ill?"¹⁶

A comparable comment is made by Robert and Fabre in their analysis of the operational issues faced by the French army. They stress that the question of fitness or unfitness for military service is always determined according to medical criteria. The latter are established according to the

Comparative International Military Personnel Policies

rules set out by the "Board of the Health Service of the Army" (la Direction Centrale du Service de Santé). There are, however, no specific medical rules governing homosexuality.

It is to be noted that the interpretation of "illness" adopted in this Final Technical Report, does not identify homosexuality, per se, as illness or disease. This accords with Resolution 756 of the Council of Europe (1 October 1981) which called on the World Health Organisation "to delete homosexuality from its International Classification of Diseases". "Illness" in this Report is identified with certain specific medical conditions.

The current approach towards AIDS testing in the New Zealand Defence Force presents a possible model of good practice:

- ☐ Personnel are not tested on entry or on a routine basis.
- ☐ Individual service members are asked to submit to a voluntary AIDS test if there is an operational requirement such as service in a Royal Australian Navy (RAN) ship, a tour of duty to a risk area or service in a country that requires AIDS testing. The feasibility of such tests, however, depends on numbers involved. At an individual level it is possible, but with large numbers it may not be practicable. As regards the RAN, it has a policy that all personnel serving in seagoing ships are required to be Human Immuno-Deficiency Virus (HIV) Negative.
- ☐ An AIDS test will normally be done only if a service person's health warrants it.¹⁷

The potential consequences of these medical conditions are not determined by the sexual orientation of the person concerned, for both heterosexuals and homosexuals may contract these particular illnesses. Gender, however, may determine the incidence of medical problems. The issue, therefore, is essentially one of fitness for military service; this is one objective evaluation, which in this instance is based on two criteria of suffering from AIDS or Hepatitis B/C. What is less objective, is the subjective evaluation of the risk of a potential recruit having, or developing, organisms that, in causing illness, render the individual medically unfit. The NZDF in this context advances two propositions:

-
- There is a strong argument for pre-enlistment testings. Most or all of those found HIV positive will develop AIDS within four years and, as well as becoming unfit for combat and trade duties, will require expensive treatment. Such personnel will unfortunately be unable to complete a 20 year engagement or even an eight year term. A similar argument applies to Hepatitis B carriers; those with deranged liver function may progress to liver failure. Pre-enlistment testing will reduce the likelihood of the Armed Forces enlisting personnel with problems of this nature.
 - Once recruited, personnel who become HIV positive should not be managed differently from those suffering from any other disease. If they are permanently downgraded medically, their Service should be able to decide whether to retain or discharge them.¹⁸

The New Zealand policy is based on the two means of education oriented programmes and management strategies designed to minimise risks. To achieve this, Western military organisations have evolved elaborate rules and procedures, the purpose of which is to ensure that armed forces retain a ready response capability.

4.2 Leadership and Cohesion

The second of the noted operational problems is complex and culturally distinct. Armed forces which have been engaged in, or expect to be engaged in, combat situations relate this issue to their practical experience. Their interpretation of the effect of manpower policy strategies on military capability is based on two distinctive criteria:

- Military institutions are considered to be disciplined organizations. It is accordingly necessary to have cohesiveness and a proper sense of purpose if the morale of military personnel is to be maintained in adverse conditions. Intimate personal relationships, whether heterosexual or homosexual, may affect that sense of cohesion and materially undermine the discipline and exercise of authority which is necessary if the organization is to attain its objectives.
- For leadership to be effective in crisis situations, it is essential that

this is based on personal relationships between leaders and followers, rather than on an impersonal management style.¹⁹ Such relationships can be affected by behaviour which is deemed by participants to lessen the sense of cohesion.

A primary feature of such problems is the effect upon leadership and cohesion of a pattern of individual behaviour which alters traditional superior-subordinate relationships. The existing strength of the concept of leadership in European military organizations is derived from the way in which models of leadership that are derived from an impersonal and bureaucratic pattern of military authority, are amended by a preference for enduring and primary relationships between leaders and led. If the latter relationships are changed because of the presence of intimate personal relationships amongst personnel, then it can be concluded that leadership as a managerial concept will focus increasingly on the formal patterns of authority as legitimization of undertaken decisions. This shift accordingly weakens the sense of cohesion amongst military personnel.

- ❑ Such a weakening of an established sense of cohesion will be critical where the internalization of strong group values and norms amongst members of a military unit, is challenged by the existence of a perceived deviancy.
- ❑ The critical issue is the maintenance of small group (unit) integrity and stability. The creation of a strongly cohesive unit is a major objective of many military training programmes. Cohesive units tend to discourage members from belonging to autonomous groups with possibly deviant norms or from exhibiting a pattern of behaviour which is considered to threaten the sense of cohesion. An important factor is the extent to which homosexuality whether overt or covert is deemed by group members to be "deviancy" or "threatening" behaviour.

4.3 Social Problems

The primary social problem is the effect upon military capability and efficiency of the recruitment and retention of specific categories of military personnel. A major issue is the way in which such personnel policies affect the innate culture of the armed forces in the context of values, symbols, heroes and rituals. An important issue is that of acceptable standards of behaviour within the organization and how these standards are

affected by recruitment and retention policies. Within European military organizations, the definition of what is "an acceptable standard of behaviour" is determined by the surrounding culture (both national and institutional) and by the environment.²⁰ Whilst this interpretation is primarily situation specific, there are certain common features:

- ☐ The definition recognises the particular difficulties associated with the intimate personal relationship of those, irrespective of their gender, who live and work together in arduous conditions.
- ☐ These personal difficulties are exaggerated by the constraints of living and working in a ship or barracks where privacy is at a premium.
- ☐ The definition of "acceptable" has to take into account the need within armed forces to maintain a degree of discipline appropriate to tasks and objectives including combat situations.
- ☐ The status of the military as a part of wider society requires the definition of "acceptable" to be consistent with national legislation.

The status of the military as a reflection of the society of which it is a part, means that individual national interpretations of "acceptable", whilst acknowledging the existence of common features, differ widely.

- ☐ For the United Kingdom, the Army Act (1955); Air Force Act (1955) and the Naval Discipline Act (1987) refer to "disgraceful conduct of an indecent kind". The interpretation of "disgraceful" is linked to civil law which under the Public Order Act (1986) decrees that "insulting behaviour likely to cause a breach of the peace is a criminal offence"²¹. Case law such as Masterson V Holden, Queens Bench Division (1986)²² exemplifies this as "homosexual conduct in a public street ... may well be regarded as "insulting" by another person".
- ☐ In France "public indecency" is a civilian offence under Article 330 of the Penal Code. After 1980 the second paragraph of Article 330 which defined "public indecency" in terms of an act against nature with a person of the same sex, has been abolished (Law of 21 December 1980).

Comparative International Military Personnel Policies

- Although Spain has abolished Article 352 of the Military Penal Code which made it illegal for people in the armed forces to "commit dishonourable acts with individuals of the same sex" (28 December 1984), the Council of Ministers (21 March 1986) has recognised, "an incapability to follow the regime of service life".
- In Portugal, homosexuals can be excluded from military service under Article 22.2 of the Law on Military Service, if they are found to have "practised offensive acts either against good conduct or seriously affecting their dignity".
- In Italy and Greece, *inter alia*, national legislation refers to "offences of public decency". For Ireland, the Defence Act (1954) distinguishes between the standard of conduct expected of an officer and the more general standard expected of all ranks. For the former the offence is "behaves in a scandalous manner, unbecoming the character of an officer" (Article 139); more generally, the offence is stated as "act, conduct, disorder or neglect to the prejudice of good order and discipline" (Article 168). The rationale underlying the insistence on a given standard of conduct, was clearly expressed by the Deputy Judge Advocate General of Ireland in his argument that being openly homosexual in the military leads to a disruptive effect upon discipline.²³

A second but no less important social problem is the violence and assaults which homosexuals may suffer. In most European countries, numerous incidents of anti-lesbian and anti-gay violence ("queer-bashing") are reported.²⁴ Similar assaults occur in military organizations and, as in the parent society, they may lead to the death of the victim.²⁵ Whilst military law can deal with the problem of the assault *qua* assault irrespective of the sexual orientations of those involved in the incident, such violence has a negative effect on the discipline and cohesion of the military unit. Accordingly as has been noted, it is to the advantage of armed forces to develop positive programmes of education and training which are designed to change the attitudes of those who are instrumental in promoting such violence. Amongst European armed forces, the Scandinavian and Dutch militaries provide a possible model of good practice in this field.

- Their policies are reflective of the sexual harassment Code of Practice, which was adopted in November 1991 in the EC along with a European Commission Recommendation advocating

supporting action by EC Member States in this area. The Code aims to give "practical guidance" to employers, trade unions and employees on "the protection of the dignity of women and men at work". It seeks to "ensure that sexual harassment does not occur and, if it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence". The Code notes that "some specific groups are particularly vulnerable to sexual harassment", and that research indicates that lesbians and gay men are among the groups especially at risk of such harassment. The Code adds: "It is undeniable that harassment on grounds of sexual orientation undermines the dignity at work of those affected and it is impossible to regard such harassment as appropriate workplace behaviour".

Two further social problems to be found in European states also affect their military organizations.

- The discrimination against lesbians and gay men which is present in all European countries is also present in armed forces. Some military organizations have taken positive action to reduce such discrimination or to minimize its effects. This reflects the development of the equal treatment principle from 1975 to 1986 in the European Community. It is, however, to be noted that very little concerted action has been taken in Europe to abolish discrimination against gay men and lesbians in the workplace. By accepting that national legislation and interests prevail, the onus of responsibility is shifted to national governments for the taking of action to eliminate discrimination.
- It is argued that lesbian and gay relationships often lack the social recognition afforded to heterosexual couples. Many of the former are accordingly excluded from the social benefits associated with this recognition such as access to post-housing, rearrange allowances, retirement benefits and medical care.

The critical question, however, is the extent to which the military is to be seen as a vehicle for social engineering. It can be argued, though not readily evidenced, that armed forces which are consistently engaged in

combat situations do not give a high degree of priority to social rather than military objectives. Conversely, military organizations which have endorsed the suitability of the constabulary or fire-brigade role model tend to endorse the conclusion of the American writer, Morris Janowitz, that, 'the constabulary concept involves reasoned and careful use of the military for social and national development.'²⁶

4.4 Political Problems

In modern democracies, the prestige and recognition afforded to the national military organization is heavily dependent on the ability of armed forces to project a professional image which is acceptable to the society at large. As has been noted above (para 1), this image has traditionally stressed the link between masculinity and military effectiveness. As Hockey (1986) notes²⁷:

Military socialisation involves the development of a number of qualities and of a particular self-image in the recruits by their Training Team. These qualities, such as toughness, aggressiveness, endurance, loyalty, are seen by superiors as being the attributes required for recruits to function effectively in their new soldierly role. As an officer commented, "You expect them [recruits] to behave like soldiers, to get involved in fights and to get drunk and so on. In a way you are disappointed if some of them don't, but of course you can't acknowledge it, or inform them.

The presence of homosexuality amongst members of military organizations can be interpreted by both military professionals and lay commentators as a threat to the maintenance of this self-image. Irrespective of logic of such a conclusion, this interpretation of events is thought to weaken any claim by the military to a privileged status within society as the managers of violence. The continuance of this status is important as a determinant of resource allocation. The optimum size of the defence budget is a standard application of cost benefit analysis with the assessment of its costs and benefits in relation to alternative uses of the resources.²⁸ The assessment of "costs and benefits", however, is a political act in which the exercise of rational decision-making is materially affected by the existence of extraneous variables. One of these will be the loss of status occasioned by the pressure of homosexuality amongst members of the armed forces.

A further problem stems from the identification of the military as a means of social engineering. Previously, armed forces have been in the forefront of initiating changes in individual and group attitudes towards major social problems. Desegregation in the United States military can be cited as an example. More generally, armed forces through modifying the role of women in the armed forces, have effectively implemented equal opportunities legislation. It can accordingly be argued that military organizations are well placed to be in the forefront of implementing positive policies designed to integrate homosexuals in organizations. The adoption of such a policy, however, brings into question issues of the primary aims and objectives of the military in contemporary society.

5. CONCLUSION

From the data which was received and reviewed, we concluded that the policies and practices adopted by Western European states were consistently indicative of two major reactions to the question of the recruitment and retention of homosexuals in the military. In the first of these, governments accepted that there was no real obstacle to the integration into national armed forces of individuals with differing sexual preferences. The distinction between homosexuality and heterosexuality was seen as unimportant, if not irrelevant, and, although there was evidence of major differences of detailed policy and practice, the goal of equality of sexual status was universal. In direct contrast, the second reaction to the issue started from the premise that homosexuality and service in the military were incompatible.

We received considerable comment on these two perspectives. Their evaluation was outwith our terms of reference and we reached no conclusion on the suitability or otherwise, of one reaction over another. We noted, however, that in general terms, Western Europe with the possible exception of the United Kingdom, Greece and Turkey, is moving increasingly to a position of tolerance with regard to the status of homosexuals within the military. The position, however, is dynamic rather than static and we were not able to forecast with any degree of certainty, the pattern of future trends.

In looking further at these trends, however, we continued to be impressed with the potential effect of one variable in particular on the evaluation of contemporary policy and practice. In this area of research, in common with other aspects of the critical examination of contemporary military organizations, we acknowledged the

Comparative International Military Personnel Policies

significance as a determinant of policy and practice, of the ongoing experience of the military organization as a combat force. We sensed, although it is difficult to evidence our conclusions, that such experience has to be taken into account when reviewing the actual and potential impact of personnel policy and practice. A military organization which, on the basis of experience, expects to be engaged on active duty operations, including combat, may have different attitudes towards the recruitment and retention of certain categories of personnel, than the military organization which lacks such expectations. We noted, however, that the shift from national to international operations will effect such attitudes.

Finally, pending the publication of the Final Technical Report, we concluded that there were a number of questions which would merit further examination. These can be most adequately summarised in a quotation from the First Phase Report.

Previously, armed forces have been in the forefront of initiating changes in individual and group attitudes towards major social problems. Desecration in the United States military can be cited as an example. More generally, armed forces through modifying the role of women in the armed forces, have effectively implemented equal opportunities legislation. It can accordingly be argued that military organizations are well placed to be in the forefront of implementing positive policies designed to integrate homosexuals in organizations. The adoption of such a policy, however, brings into question issues of the primary aims and objectives of the military in contemporary society.

REFERENCES

- 1 Hockey, John, Squaddies: portrait of a subculture. Exeter: Exeter University Press, 1986, pp37-8. Hockey suggests that the qualities demanded changed little over forty years (HMSO, Physical and Recreational Training; London, 1941). The perceived link or negative association between inadequate military performance and femininity is discussed in Eisenhart R Wayne, "You can't Hack it Little Girl: A Discussion of the Covert Psychological Agenda of Modern Combat Training", Journal of Social Issues (1975: 31, 412-32).
- 2 'Nonconforming Sexual Orientations and Military Suitability'. US Government Document PERS-TR-89-002 (December, 1988).
- 3 Hansard, 17 Mune 1991, Vol 193 c115-116.
- 4 Evidence from Military Attache, Royal Norwegian Embassy, London. Annex A to the Select Committee on the Armed Forces Bill (United Kingdom, 1992).
- 5 Sow, 1984: 63, p123.
- 6 Annex B to the Report of the Select Committee on the Armed Forces Bill (1992), para 38.
- 7 See, for example, the bibliography in Humphrey MA My Country, My Right to Serve, New York: Harper Collins, 1990.
- 8 HMSO, Report of the Committee on Homosexual offences and Prostitution (the Wolfenden Report). London, 1957.
- 9 Report of the Select Committee on the Armed Forces Bill (1992), Hansard 17 June 1992, para 989.
- 10 Quoted: Navy Times, January 11, 1993, p12. Dr Gal confirms this in a personal communication of 1 April 1993. He notes that officially homosexuals are not exempted from service in the IDF. But they might (not always and not in all cases) be limited in their placements.

Comparative International Military Personnel Policies

- 11 Hansard, 17 June 1991, Vol 193 c115-116.

- 12 One example of these positive practices is the extension to homosexual couples of the allowances available to married couples in the armed forces. For Norway, where homosexual couples may be married, Nelson, SS, 'Marriage and Benefits: drawing the line' in Navy Times (January 11, 1993) p13 argues that these monthly housing allowances would amount to about \$550 plus other benefits.

- 13 Lehman, J, 'Policy of the Department of the Navy concerning Homosexuality'. SECNAV INSTRUCTION 1900 9D (1981) Appendix 1a-9a.

- 14 See, BULLOUGH, VL, Sexual Variance in Society and History. Chicago: University of Chicago Press, 1976 and HARRIS, SE, "Military Politics Regarding Homosexual Behaviour: an international survey", Journal of Homosexuality 21(4), 1991, p73.

- 15 Submission by Chief of New Zealand Defense Force (NZDF 1961/12) to the Justice and Law Reform Select Committee, 16 March 1993, p3.

- 16 Statement of the Danish Surgeon-General, Knud Jessen. Ekstrabladet, 7 February 1993.

- 17 Memorandum of the Office of the New Zealand Minister of Defense, October 1992, p3.

- 18 Ibid, p4.

- 19 See Henderson, WD Cohesion: the human element in combat, National Defense University Press, Washington DC, 1985, p11.

- 20 See, for example, the cases cited in Chapter 2, 'Touching Bodies' in Waaldijk et al Top of an Iceberg. Anti-Lesbian and Anti-Gay Discrimination in Europe. Utrecht: Department of Gay and Lesbian Studies, University of Utrecht, 1991, pp14-30.

- 21 See Huswith M and Thornton P, Civil Liberty: the Liberty INCCL Guide. London: National Council for Civil Liberties, 1989.

-
- 22 Masterson v Holden QBD, Weekly Law Reports 1986 pp1017-1024. The reference to conduct was to kissing and cuddling and the fondling of each other's genitals and buttocks in a public place.
- 23 The Irish Deputy Judge Advocate General (Colonel Patrick Ghent) speaking at the Xth Congress of the International Society for Military Law and the Law of War. Garmisch-Partenkirchen 2-7 October 1985.
- 24 See, for example, Meldrum J "On the streets", in Galloway B (ed), Prejudices and Pride-discrimination against gay people in modern Britain", London 1983 np (ISBN 0-7100-9916-9), pp62-77.
- 25 Associated Press reported the trial of US sailor Terry Halvey for the murder of a fellow sailor who was a homosexual. Halvey on conviction was sentenced to life imprisonment (27 May 1993).
- 26 Janowitz, M 'Military Organization in Industrial Society' in Military Conflict. Beverley Hills: Sage Publications, 1975, p131.
- 27 Hockey, op cit, p34.
- 28 Hartley, K, 'Defence with less money: the British Experience' in Harries-Jenkins, G (ed) Armed Forces and the Welfare Society, London: MacMillan, 1982, p14.

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

HOMOSEXUALITY AND ARMED FORCES IN THE NETHERLANDS

**Marion Andersen-Boers
and
Jan van der Meulen**

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

Introduction

1. Emancipation and discrimination: society in general

1.1 Emancipation

1.2 Discrimination

1.3 The Law

2. Policies, practices, problems: the armed forces

2.1 Points of departure

2.2 Training, counselling, information

2.3 Policing and screening

2.4 Posting abroad, pensions and housing

2.5 Conclusion

3. Discussion

3.1 Public Climate and Civilization

3.2 All-volunteer Force

References

ABSTRACT

The constitution of The Netherlands precludes any kind of discrimination because of sexual preference. Without restriction, anti-discrimination policies as pursued by the government, are being followed by the department of Defence. This means that legally or otherwise, no difference can be made between heterosexual and homosexual military personnel.

The long-term emancipation of homosexuals within Dutch society, over the years has led to a growing public tolerance. However, this often being a tolerance-at-a-distance, an active anti-discrimination policy is deemed necessary. Again, the armed forces unconditionally go along in aiming at a change of mentality at their own quarters.

In an early stage, the union-like Homosexuality and Armed Forces Foundation has triggered off a more outspoken Department of Defence policy. The Foundation is still officially involved in guarding the process and channelling the experiences from down below. A top-down policy in which civilian and military leaders identify themselves with the cause of fighting homo-discrimination, symbolizes and emphasizes official goals.

A wide spectrum of practical policy measures and management projects is on the agenda of the department of Defence. Among other things, information, training and counselling projects are being pursued. A major research project has been commissioned by the Minister of Defence. There can be no doubt that in the Dutch armed forces often enough homo-hetero-interaction is problematic and uncomfortable, to say the least. However, there are no reported cases of group or unit disruption to the point of threatening mission accomplishment. If they had been there or if they would show up, certainly they would be viewed upon as an extra argument for pursuing official policies. That is, the integration of homosexual men and lesbian women within the armed forces, by way of changing the mentality of their hetero-sexual colleagues.

INTRODUCTION

“Homosexuals within the armed forces, would that be conceivable? Yes of course it would. Even more: it is a matter of course. Because the armed forces should represent society, shouldn't they? Yet a lot of people aren't sure whether this is a workable idea. A good reason to outline the argument and to get rid of hesitations once and for all.”

With these sentences an information leaflet opens, which was published by the Dutch Ministry of Defence under the heading Homosexuality and Defence. This leaflet is a symbol of government policy with regard towards homosexuality in general. This policy does not only aim at preventing and fighting discrimination. It also strives after bringing about the cultural and social conditions, under which homosexual men and lesbian women in their daily lives, their working places included, can be themselves. Experience shows that especially at their work a lot of homosexuals do not come out. Research suggests that the armed forces are no exception to this rule.

Since 1974 sexual preference is no longer a relevant category in Defence personnel policies. For instance, it was explicitly ruled out that it would be used any longer for selection purposes, no matter whether conscripts or career personnel were at stake. For some time the homo-emancipation-movement had focused on this item. Of course, literally as well as symbolically, selection is only the beginning. Among other things, because of the pressure from the Foundation for Homosexuals within the Armed Forces, the Minister of Defence asked the Social Council for the Armed Forces, to advise him on a further reaching policy towards this problem. In its advice the Council stated that basically the problem rests with the heterosexual majority. The Council came up with detailed proposals to bring about a general change of mentality. The minister accepted most of these proposals. Moreover, he commissioned the Netherlands Institute for Social Sexuological Research to conduct a survey, in order to get a scientifically sound picture of the position of homosexuals within the armed forces. This research proves that just like within society in general, within the armed forces the integration of homosexuals and lesbians is not completed by far. Evidently, the change of mentality called for, is a long term process. The gap between official policy, even when it is propagated by those at the top, and the day to day working places down below appears to be rather wide.

In this report we will deal with these themes in more detail. We will start with

sketching the general societal setting of homo-emancipation and homo-discrimination in The Netherlands, the law and government policy included. In the second part we will describe policies, practices and problems with regard towards homosexuals, in the context of the armed forces. In the third part we shall end with a general analysis of the somewhat unique Dutch position on this matter. Moreover, we will speculate a bit about the possible consequences of the decision to do away with the draft in The Netherlands.

This report must be read in relation to the two other reports on the Dutch situation: the research-report by Evert Ketting and the diversity training report by Henk van den Boogaard. To avoid overlap we will not go into the details of these very essential projects, both of which play a key role in armed forces policies.

1. Emancipation and Discrimination: Society in General

1.1 Emancipation

The way in which homosexuality is looked upon in contemporary society and consequently in the armed forces, generally can be described as the result of long term historical processes. Throughout the ages homosexual men and lesbian women were forced to live a difficult life. At worst they were persecuted, at best they were marginalized. In The Netherlands, until twenty years ago homosexual contacts between adults and the under-aged were forbidden by law. Criminalizing was one of societies' strategies to stigmatize homosexuality as a form of deviant behaviour. The other grand strategy, not quite vanished yet, was medicalizing. That is, to deal with homosexuality in the context of (mental) health and (mental) illness. In The Netherlands the first homo-emancipation-movement took off before World War I. It tried to create cultural and social equality for homosexual men and lesbian women, by way of objective information through people at key positions - "emancipation from above". This approach reached some modest success, but in general, resistance towards homosexuality remained high. For good reasons a lot of men and women kept hiding their sexual preference. Of course differences in degree of tolerance existed between sections and layers of society.

The cultural revolution of the sixties, as a climax in long term processes of secularization, democratization and growing individualism, accelerated the acceptance of homosexual men and lesbian women. On the one hand because of radical changes - at least at the discursive level - in attitudes

towards sexuality. On the other hand because of the rise of a colourful and self-conscious homo-emancipation-movement. Now the strategy was: emancipation from below, demonstrating instead of consulting. Integration still being the overall goal, no longer was this seen simply as a matter of adapting and accepting. The own identity should be kept, on equal footing. At the same time the homo-movement became more pluriform, as a logical reflection of the heterogeneity in homosexual lifestyles.

1.2 Discrimination

In contemporary Dutch society, homosexual men and lesbian women can be more open about their sexual preference than in the past. However, this also makes them more vulnerable to discrimination. Public opinion polls in The Netherlands underscore a trend of growing tolerance during the past decades. However, a lot of people tolerate at a distance, without losing all of their inner resistance. This resistance mostly goes back to prejudices and stereotypes regarding homosexuality. We will briefly mention some of these prejudices and stereotypes, which also play their role in the context of homosexuality and armed forces. At the end we shall explicitly refer to this particular context. Calling a certain view a prejudice or a stereotype, is not a matter of personal judgement on our side. It broadly reflects the "emancipated" view on homosexuality. A view which is shared by homo-movement and government policy, and which is backed by social scientific theory and research in general, and by sexology in particular. As was hinted at already, at a public opinion level, this emancipated standpoint is also shared by a majority of the Dutch people - but underneath and in everyday life, resistance drags on.

Often homosexuality still is seen as deviant behaviour. That is, as deviating from a certain norm, for instance about what is "good". Then homosexuality becomes a sin. Or as deviating from what is "healthy", then it becomes an illness, of a physical and/or mental nature. Sometimes people who are "like that" are looked upon as belonging to a deviant third gender: they are not "real" men or "real" women. This kind of prejudice, together with looking for "causes", lies at the root of discrimination. When on the other hand homosexuality is viewed as a normal variant of human behaviour, it makes no sense any more to talk about curing it or about therapy. And nobody has to worry any longer, about what went wrong during socialization.

In the eyes of some heterosexuals, homosexual men typically act like feminine gays, making a pass at every man they meet. According to a stereotypical image lesbian women typically behave like aggressive dykes. In reality, just as among heterosexuals, there is a lot of individual and cultural variety among homosexuals. Research suggests that especially among heterosexual men, there is a subconscious fear of becoming the object of sexual desire by a homo. Certainly, when a homosexual finds himself being attracted by a heterosexual, even to the point of falling in love, there could be a problem. In the first place, a problem for the homosexual man or the lesbian woman involved. He or she has to comply with informal and formal rules for behaving in situations like that. The heterosexual person involved might feel embarrassed, feeling unsure about how to cope. This will be even more difficult when he or she knows very little about homosexuality, and is only familiar with its stereotypes.

1.3 The Law

The process of societal change - culturally, socially, politically - which for reasons of convenience usually is identified with the sixties, among many other things made urgent a different government policy with regard to homosexuality. As a concrete step, just like heterosexual relations, homosexual contacts between adults and the underaged, were not punishable any more from the age of sixteen years onwards (1971). At another level, it was decided that the national homo-emancipation movement should receive governmental financial support.

The legal and political framework for governmental initiatives is constituted by anti-discrimination-policy in general. At the forefront of this policy the first article of the constitution stands, as it was formulated in 1983: "In equal circumstances all persons present in The Netherlands shall be treated equally. Discrimination because of religion, political conviction, race, gender or on any other ground, is forbidden". Certainly discrimination because of sexual preference is implied. This constitutional article has been made more explicit and detailed by anti-discrimination laws.

Government policy specifically aiming at homosexuality, has been formulated during the second half of the eighties, not in the least because of pressure from the homo-emancipation movement. This policy has a twofold aim: "emphasizing the own values and the self-identity of this

particular group, as well as creating social and cultural room, by way of influencing its environment". In a concrete and practical way, projects have been developed to realize this twofold aim. They try to focus on strategic points, for instance gay-bashing as one of the most ugly manifestations of homo-discrimination. Information is being spread, research stimulated, and counselling networks professionalized. This policy is not only conducted at a central governmental level. It is a municipal, provincial and departmental responsibility as well. The Department of Defence included - which goes without saying.

In The Netherlands, homo- and lesbian emancipation policies are separated from anti-AIDS policy. The latter aims at preventing the spread of aids as well as preventing the stigmatizing of relatively high risk groups like homosexual men.

2. Policies, Practices, Problems: The Armed Forces

Generally speaking, Defence Department policy with regard to homosexuality, reflects overall government policy. This holds true for its content as well as its timing. As was mentioned in the introduction, homosexuality as a category for selection, that is, as a reason for being declared unfit, was skipped in 1974. This measure was backed up by a policy document, which explicitly stated that there are no functional grounds whatsoever, to defend the banning of homosexual men and lesbian women from the armed forces.

In 1978 a working-group Homosexuality and Armed Forces was founded, with conscripts as well as career personnel among its members. Its goal was to change for the better the climate for homosexuals within the armed forces. The working group commissioned a journalist to do some research on this subject. A book was published which revealed a number of sad and sometimes shocking experiences. Although this journalistic piece of research, focusing on the most sensational material, could not stand up to scientific scrutiny, it had the merit of drawing public attention towards the problem. It underlined that policies are far from completed, once official admission and tolerance of homosexuals has been realized.

In 1987 the working group changed its status. As the Homosexuality and Armed Forces Foundation it acts in a union-like way, representing homosexual personnel, in official and institutionalized contacts with the Minister of Defence. It receives a modest subsidy.

Homosexuality and the Armed Forces in The Netherlands

To stimulate and to guard evolving policies, the minister has installed a departmental Commission for Advice and Coordination on Homosexuality in the Armed Forces. This commission has been specifically assigned to watch closely the ongoing processes and to give advice on them. The Homosexuality and Armed Forces Foundation has its own official representative in this Commission.

In 1988 the Minister of Defence requested the Social Council for the Armed Forces, to advise him on further policies concerning this particular theme. The Council being the official advisory board on issues of personnel and civil-military relations. It represents a broad spectrum of ideological, religious and political views, as well as some vital institutions and organizations. Social scientists are present among its members. Traditionally the Council advises on a unanimous basis.

The Council was specifically requested to advise on emancipation and integration of homosexual men and lesbian women in the armed forces, on the prevention of violence against them, and on the organization of counselling structures. The Council presented its report in January 1991. In his policy letter of May 1991, the Minister accepted most of the recommendations.

In the mean time the independent Netherlands Institute for Social Sexuological Research had been commissioned by the minister to conduct a major survey on the position of homosexuals within the armed forces. The results of this study were published in 1992 (see the report by Evert Ketting). In May 1993 the minister formulated his reaction in a policy letter, in which he proposed a continuation of evolving policies, with some extra measures added. In the context of advice, research and policy letters, we will describe existing and planned policies under four headings: points of departure; training, counselling and information; policing and screening; posting abroad, pensions, housing. A short conclusion puts policy measures in the perspective of ongoing practices.

2.1 Points of Departure

As a general observation the Social Council for the Armed Forces emphasized in its advice, that the process of emancipation and integration of homosexual men and lesbian women in Dutch society is certainly not completed. Professed tolerance often appears to be rather superficial. Something similar was noticed by the Council within the armed forces. Accordingly, a policy that aims at the internalization of tolerance,

individually and collectively, as well as at real integration, should have as its point of departure, the Council stated, that the problem is not homosexuality as such, but rather the reaction of the environment. Patterns of stereotyping and labelling should be unlearned, in order to give homosexual men and lesbian women the social and psychological room for functioning fully, in a personal as well as an organizational sense.

In his reaction to the Council, the minister recognized that all too often homosexual men and lesbian women still find themselves in a difficult position. Indeed, the mentality of their environment should change to improve their situation. It is the organization's duty, the minister stated, to create the conditions under which individuals can function fully, irrespective of their sexual preference.

These basic viewpoints with regard to the problem were underscored by the NISSO survey. As far as the minister is concerned, three broad insights, from the research, have to be taken especially to heart.

- (a) Within the armed forces straightforward discrimination and blunt animosity with regard towards homosexuals, are rather unusual. However, a majority of men within the military keeps its homosexual colleagues at a distance. Grave incidents, seldom as they are, have to been seen against the background of this widespread negative attitude.
- (b) The general atmosphere within a unit is crucial for the attitudes towards homosexuals. In turn this atmosphere is strongly influenced by the behaviour and example of commanders and cadre. They show little inclination to improve deliberately the position of homosexuals.
- (c) To some degree, these patterns can also be seen among female personnel. However, only a minority of the women keeps lesbian colleagues at a distance. The problems of lesbians mainly overlap with the problems all women have in the armed forces: getting themselves accepted in an overwhelmingly male environment. (Women constitute roughly 5% of total personnel).

These conclusions as well as the recommendations by a supervising committee,

connected to the research project, were read by the Minister as underscoring the basic goal of evolving policies. That is, a change of majority conduct by the unlearning of stereotypes and prejudices, as well as a consequent penalizing of misbehaviour.

However, all this leaves unimpeded the individual responsibility for functioning within the organization. This general principle and starting point for defence personnel management, also applies to this particular problem - as was written explicitly in successive policy-letters. Coming out is a step only homosexual men and lesbian women themselves can take. When they do, the minister repeatedly emphasized, this should in no way impair their careers. In fact, it has been guaranteed that it does not. Of course whether in reality career impairment never takes place, for instance in informal and indirect ways, is difficult to prove. Anecdotal evidence suggests it does happen.

A number of times the minister has warned that the policy- process should proceed cautiously and gradually, otherwise it could rouse resistance. Evidently it will take a considerable amount of time. In general, policy will move between actively stimulating homo-emancipation and avoiding resistance which these measures may evoke among other personnel. This is one of the reasons why for instance a decision was taken against placing recruiting advertisements in the Dutch Gay journal, as is advised by the Council. Not only as a matter of principle, the Council argued, but also in view of manpower shortages.

2.2 Training, Counselling, Information

As one of the key policy initiatives, the inclusion of homosexuality as a topic in all kinds of educational courses should be mentioned. Readers have been developed and instructors receive extra training from professionals working for homo-organizations. To improve leadership qualities educational curricula are being developed for commanders at different levels in various stages of their careers. The idea is to make officers and NCOs aware of their paragon function with respect to dealing with homosexuality. Attention should be paid to the development of social and communicative skills, among other things learning to avoid coarse language, with its anti-homo and sexist overtones. (See for further details and experiences the report by Henk van den Boogaard).

Evidently this ambitious training program, to be included at all educational

levels, is not being implemented all over the armed forces at the same speed. In view of the rather huge task, priority will be given to training the teachers and the leaders, the former by way of "interactive methods", taught by external experts. Of the three services up till now only the Air Force has realized full scale diversity training, which is being taught by external experts. The Army and the Navy are developing their own curricula, supposedly to be taught by internal (semi-)experts, for instance the pastoral workers of the different denominations. The idea is to have them trained beforehand by (real) external experts.

Social workers and personnel managers at unit level receive extra training - also from the afore mentioned professionals -to get the required knowledge on homosexuality. Armed Forces counselling organizations essentially take care of counselling and assistance themselves, but if necessary and desired, they can call in external organizations. Up until now there has not been a policy of especially appointing homosexual and lesbian social workers, as the Social Council for the Armed Forces would like to see it. The expectation is that within two years all those in a counselling role - doctors, psychologists, social workers - will have taken these courses. A "Pink Guide" will be written, again, by external experts, especially for the sake of these counsellors. This guide should inform them about the whole counselling network for homosexuals within Dutch society. In this way referral, if necessary, can take place for specific problems. In principle and if possible, counselling should take place within the defence organization.

Until recently, there is one central point in the organization where various expertise is brought together. Here, knowledge required to lend assistance to homosexual men and lesbian women is available. At this particular place there is also an emergency telephone number for the counselling of homosexual men and lesbian women. To make the emergency phone number as widely known as possible, posters are displayed everywhere within the organization. A specific procedure is under development for complaints about sexual harassment, whether of a hetero- or of a homosexual nature. At the bureau of the Inspector General for the armed forces someone will be appointed to whom homosexual men and lesbian women can address their complaints in a confidential way.

Projects with regard to training and counselling are being supported by information activities. For instance, the Defence Information Service has published a leaflet on homosexuality in the armed forces, which is

distributed widely within the armed forces. The distribution has been announced of a leaflet in which defence personnel are being informed about where to go with which problems.

In accordance with the Council's recommendation to let key figures in the organization express themselves publicly in favour of a homo and lesbian emancipation policy, it has been made clear, more emphatically than has been the case so far, that homosexual men and lesbian women are welcome in the armed forces. The Netherlands Navy has started to realize this intention by publishing an article in the periodical 'Alle Hens' ('All Hands') in which the commander of the Netherlands Navy presented the policy plan 'Homosexuality in the Royal Netherlands Navy'. The minister himself has given several interviews to newspapers, journals, television and so on to underline his policy.

In recruiting and advertising, especially at leadership level, it will be emphasized that the armed forces are a heterogeneous lot, and that anyone who wants to join, should have a tolerant outlook, as well as accompanying communicative skills.

2.3 Policing and Screening

The military police has a special position within the context of homosexuality and armed forces: on the one hand it is part of the organization on which homo-emancipation policy is applicable, on the other hand it has an executive task in the fight against discrimination and violence against homosexual men and lesbian women. The role of the military police in the fight against anti-homosexual violence is partly determined by the willingness of victims to report offences. In society in general there is still little willingness, and there is no reason why this should be different within the armed forces. To enhance reporting, personnel of the military police will be informed about the grave consequences of anti-homosexual violence for the persons involved. The MPs will be trained in the specific treatment this kind of victim requires.

With regard to screening for security reasons, the officially stated policy is that no distinction is made between heterosexual and homo-sexual personnel. According to the directives of the Military Intelligence Service, only information that is relevant in view of a specific function or position,

may be sought. This is carefully monitored. Sexual behaviour is only relevant when it makes the person involved liable to blackmail. The idea that homosexuals are inherently liable to blackmail is of course a very typical example of stereotyping and self-fulfilling prophecy. When homosexual men and lesbian women are not forced to lead a double-life, but instead can come out without fear, they cannot be blackmailed any more. This is a position the minister of Defence officially and emphatically has taken.

Since 1974 homosexual draftees are not declared unfit any more. However, if they have reasons to believe they are not able to cope within the armed forces, they can be exempted. Till recently this was done on medical grounds, but now a more general category for exemption is used, without stigmatizing consequences. Following the advice of the Council, psychologists have been appointed in the draft-boards, to give advice about the placing of homosexual conscripts, who are willing to serve.

2.4 Posting-abroad, Pensions, Housing

Increasingly Dutch soldiers participate in joint operations, especially under the UN-flag. Of course it is recognized that in some other countries and armies, the presence of homosexuals is not taken for granted. In view of that the persons involved will be briefed about the circumstances and reactions they might meet. Probably, they are advised to be discrete and low-profile about their homosexuality. Nevertheless, Dutch policy will continue to be that there should be no obstacle whatsoever for homosexual men or lesbian women to serve under foreign command.

One of the problems brought up in relation to posting-abroad, especially because of the extra risks involved, is that of pensions. For a couple of years, some pension funds in The Netherlands have introduced so-called partner pensions. These apply to non-married couples, whether hetero- or homosexual, who have laid down their status of living-together in a notarial contract. However, up till now the pension fund for government-employees, the military included, does not offer the option of a partner pension. So far, political as well as union based pressure have not been effective. Although in the end the social logic of this partner pension will set itself through, of course that does not solve anything for the moment. The Foundation for Homosexuals within the Armed Forces has complained that people are forced to buy expensive life-insurances. The Minister of

Defence acknowledges the problem, but sees no other way than to wait for a general solution for all government personnel.

Generally speaking, there has been a tendency in Dutch society to equalize more and more the legal status of married and non-married couples, either heterosexual or homosexual. This process is well under way but not completed. Pensions as well as inheritance are cases in point for heterosexual and homocouples; adoption is a case in point, especially for homocouples. Of course official legal equality does not preclude the possibility of unofficial discrimination. For instance, anecdotal evidence has it that a gay-soldier did run into difficulties while being posted at the Dutch West-Indies. The fact that he took his partner with him, perfectly in accordance with housing rules, obviously annoyed the local authorities. They choose not to prolong the partners visitors-permit - it took intervention at the highest level to undo this measure.

2.5 Conclusion

Official policies notwithstanding, in fact the reason why these are being pursued in the first place, everyday practices in The Netherlands are falling short of what they should be. This holds true for society in general as well as for the armed forces in particular. General public tolerance as well as an official anti-discrimination policy do not preclude uneasiness of heterosexual-homo-interaction, even to the point of more or less hidden animosity. As the NISSO research has shown with respect to the military, more or less subtle forms of gossip, (verbal) abuse as well as ostracizing, are still part of the behavioural repertoire heterosexuals use when confronted with homosexuals. As a consequence of this, homosexual men who do come out, have to develop adequate coping strategies. Of course homosexuals who do not come out have to develop strategies which in the end probably are even more straining for themselves.

Evidently, although existing policies in The Netherlands can be looked upon as emancipated by any standard, continuing practices are problematic and occasionally painful enough to refrain from collective self-indulgence. In fact, the real test of tolerance, more or less literally, is now in the field. Official thresholds having been stepped over, of a legal nature and otherwise, an active anti-discrimination policy being in more or less full swing, the heart and bones of mentality change have been reached. Surely, breaking up stereotyping habits and labelling practices, as well as bringing

about relevant communicative skills, is going to be a long term program in society and within the armed forces.

3. Discussion

The international debate on homosexuals within the armed forces often focuses on the supposedly unique characteristics of the military as a work-environment. In this kind of semi-total institution, the typical argument goes, the confrontation between members can be intense and almost intimate. Conditions of forced intimacy (sharing a pub, tent, showering) would make the presence of homosexual men and lesbian women disruptive or, under fire, even dangerous. Therefore the military cannot live with them, neither can it afford the luxury of a "social experiment".

The typical Dutch answer would be that this kind of reasoning can be traced back to stereotyping and to a lack of knowledge. The net result being a self-fulfilling prophecy: when the homosexual man or the lesbian woman is ostracized in whatever form, indeed unit cohesion is strained. However, Dutch policy has decided, this self-fulfilling circle should not be broken by banning homosexuals out of the armed forces - which is impossible anyway - but on the contrary, by stimulating a general change of majority-mentality. Admittedly, this will not be an easy, let alone a quick process and forcing it could even be counter-productive. Certainly, the existing embarrassment should not be derogated or pushed aside as just being old-fashioned.

However, in the end, the heterosexual majority should wholeheartedly accept that homosexual men and lesbian women, who are motivated to serve and who fit all the criteria, do belong within the armed forces. This is the official standpoint of the Dutch Minister of Defence, in accordance with government policy in general. "Homosexuals within the armed forces, would that be conceivable? Yes of course it would. Even more: it is a matter of course".

Clearly enough, this official position is rather unique and no doubt it sets apart Dutch policies on this matter. In this last section we will analyse what we consider to be the two most important (sets of) variables which can help to explain the state of affairs in The Netherlands. The first variable has to do with society, the other second one with the armed forces. To conclude with we will discuss the possible consequences of the abolition of the draft for minority policies and practices.

3.1 Public Climate and Civilianization

Since about 1980 public opinion in The Netherlands has reached a virtual consensus about the position of homosexuals within society. In regularly conducted polls more than 90% of the respondents agree to the statement: "Homosexuals should have as much freedom as possible to lead their own lives". Similar percentages show up with regard to equal rights between heterosexual and homosexual couples in matters of housing and inheritance. Regarding adoption however, a majority of 53% (against 47%) holds the opinion that homosexual couples should not have the same rights. There is a tendency though for this majority to shrink: in 1980 it was 65% (against 35%).

These figures underscore the fact that generally speaking Dutch society is tolerant towards homosexuals. As we repeatedly emphasized in our report, the quality of hetero-homo-interaction in everyday life suggests that we had better speak of tolerance at a distance. Nevertheless, the importance of this public feeling should not be underestimated. Together with anti-discrimination legislation and -de jure and/or de facto - equal treatment of homosexuals in all kinds of settings, this climate functions as a normative context. Among other things, this context precludes viewing the integration-policies of the armed forces as a kind of social experiment.

The other crucial variable to preclude this view is the policy of civilianizing the armed forces as much as possible. From the sixties onwards this policy has been pursued rather consistently. "As civilian as possible, as military as necessary" has been a motto which more or less wholeheartedly guided the management of organization and especially of personnel. If not a catalyst of social change, certainly Dutch armed forces have tried to follow and implement social change. In fact, with regard towards the integration of homosexuals, the Defence Department is somewhat of a catalyst, being in front of other departments as well as being ahead of most of the non-military world of trade and industry.

One may speculate about why this happens to be so and certainly an intricate explaining web of variables and processes could be spun. An hypothesis about the accelerating advantage of having to catch up with social change in the first place, might be defended. To put it otherwise, while in other settings civil norms are supposed to be binding by definition and do not need extra attention, the armed forces have to strive for them

consciously. However, this does not come off mechanically and therefore we should not oversee the intermediating, more or less contingent factors which, between a tolerant societal climate and civilianized armed forces, triggered off a policy of acceptance and integration. That is, without the activism of gay soldiers themselves - eventually, the Foundation for Homosexuals within the Armed Forces policies would not be as they are. *Mutatis mutandis* the same can be said about the role of the present-day minister of Defence.

3.2 All-volunteer Force

Like most armed forces in the Western world - not to speak of the former East - the Dutch military is involved in a process of fundamental organizational change. It is not just a matter of downsizing, it really implies a radical redefinition of tasks and means. The decision to abolish the draft and to switch to an all-volunteer force - on January 1, 1998 at the latest - is a paramount symbol for this break in the military history of The Netherlands.

Certainly this new military will be different also in terms of mentality, sphere and presentation. It is hard to predict though, to what degree and in which direction these kind of differences will set themselves through. On the one hand there might be some sort of traditionalist backlash, which wants to do away with the supposedly sloppy sides of civilianization. More discipline and more uniformity than the draftees could afford, would reinstall some classical soldierly virtues - at least on the outside. On the other hand there is quite some talk of a cultural shake-up in a modern sense, modelled after the latest management insights - for instance about decentralization and personal responsibility. Depending on level, unit and function both tendencies will co-exist within the armed forces, probably rather peaceful but possibly not without competition. It will be interesting and important to see, which one of the two is going to have the strongest impact on the overall image of the armed forces. And of course in the context of this report we especially wonder, what kind of net-effect the new military will have on minority policies - and practices! For the moment we assume, one way or the other, the general effect will be marginal. For one thing, minority policies, in particular gay policies are well-grounded, institutionalized and guarded. For another thing, the ideal of civilianized armed-forces - as civil as possible, as military as necessary - essentially will

be cherished as the crux of Dutch civil-military relations. A traditionalist backlash would never be so radical as to undo the essence of this ideal. It might even provoke extra attention, unlike a modern management leap forward - remember what we suggested as an explanation for the rather unique homo-policies within Dutch armed forces.

Crucial of course for any all-volunteer-force is the success of recruitment, at all levels. Research suggests that especially the army will have a hard time in finding its soldiers in the labour market. Incentives of a financial and educational nature will have to be used, but on top of that, deliberately minority recruiting will become especially important. Up until now, women and ethnic minorities are clearly underrepresented in the armed forces and for sure, they are going to be targeted. Besides, as we have seen, especially in advertising at leadership level, the heterogeneous character of the military will be emphasized. Managers of violence have to be at the same time managers of diversity. All this could have a positive spin-off for the position as well as the number of homosexuals within the military.

The NISSO-research suggests that among the professional military, in contrast with draftees, homosexual men are underrepresented -although it is not clear whether this is an empirical fact or a consequence of not coming-out in the survey. If it is a fact, the switch to a all-volunteer-force might downsize the overall relative number of homosexual men within the armed forces. Unless of course the reputation of Defence Department-integration-policies would have a positive effect on recruiting homosexual men. It could be wise to reconsider the policy of not advertising in gay journals. For reasons of integration as well as for reasons of recruitment.

REFERENCES

- Benistant, S.J.H./Thuijsman, C.J. Beleidsplan homosexualiteit in de Koninklijke marine. DPKM/SWO. Den Haag, 1990.
- Bullinga, M. Het leger maakt een man van je. Homoseksualiteit, disciplineren en seksueel geweld. Amsterdam, 1984.
- Homoseksualiteit en krijgsmacht. (D91/054/10174) Brief van de minister van Defensie A.L. ter Beek aan de Eerste en Tweede kamer der Staten Generaal, mei 1991.
- Ketting, E./Soesbeek K. Homoseksualiteit & Krijgsmacht. Een onderzoek naar de geneigdheid en praktijk van discriminatie op grond van seksuele voorkeur binnen de Nederlandse Krijgsmacht. Delft, 1992.
- Maatschappelijke Raad voor de Krijgsmacht. Homoseksualiteit en krijgsmacht. Den Haag, 1991.
- Sociaal en Cultureel Rapport 1992. SCP, Rijswijk, 1992.
- Standpunt naar aanleiding van het onderzoek naar de positie van homoseksuelen in de krijgsmacht. (PPB 4510/93011672) Brief van de minister van Defensie A.L. ter Beek aan de Eerste en Tweede Kamer der Staten Generaal, mei 1993.
- Overheidsbeleid en homoseksualiteit. Beleidsbrief van het ministerie van WVC, kamerstuk 19504, 11. Rijswijk, 1988.
- Tielman, R. Homoseksualiteit in Nederland. Studie van een emancipatiebeweging. Amsterdam, 1982.
- Tielman, R. Homoseksualiteit in Nederland in de jaren tachtig. In: Gaykrant nr 146, 30-12-1989.

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

TRAINING COURSES
ON HOMOSEXUALITY FOR ARMED FORCES PERSONNEL

Henk van den Boogaard

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

1. Introduction
2. The Armed Forces
3. Transfer of Knowledge and Attitudinal Change
 - 3.1 Introduction to the training course
 - 3.2 The history of homosexuality
 - 3.3 Subcultures and lifestyles
 - 3.4 Development of homosexual identity
 - 3.5 The specific position of gays and lesbians
 - 3.6 Attitudes towards gays and lesbians
4. Training Course Material
 - 4.1 'Two of a kind'
 - 4.2 'Hey guy, hey girl'
 - 4.3 'Without even blushing'
5. Training Course Evaluation

ABSTRACT

In the course of the 1980s the Dutch government formulated a policy to counteract the discrimination of men and women on account of homosexuality. This policy was also implemented within the Defence organisation. For example, under the authority of the Ministry of Defence the Netherlands Institute of Social Sexological Research (NISSO) conducted a survey into the position of homosexual men and women within the armed forces. Based on, among other things, this survey, the SAD-Schorer Foundation, the national office for homosexuality, was commissioned to develop and offer training courses to armed forces personnel, in particular to executive officers and care workers, in close consultation with the Ministry of Defence. For two years experience has been gained in running these training courses. Instructors with knowledge of homosexuality and capable of passing this knowledge on have been specially trained by the SAD-Schorer Foundation for these training courses. The course instructors are homosexuals themselves and have an open attitude towards soldiers and the Defence organisation. At the beginning of a training course, military participants have a hesitant or even negative attitude towards the subject, the instructor and the mandatory character of the training course. It appears that this attitude can very well be influenced by professional and committed instructors.

1. INTRODUCTION

The training courses on homosexuality within the Dutch armed forces are developed and run by the national office for homosexuality, the SAD-Schorer Foundation. The survey 'Homosexuality and the Armed Forces'¹ and the training courses are components of the more extensive joint venture programme 'Homosexuality and Anti-homosexuality' under the auspices of the NISSO and the SAD-Schorer Foundation.

The SAD-Schorer Foundation came into being on 1 July 1993 as a result of a merger between the Schorer Foundation (Schorerstichting, founded in 1968) and the Complementary Services Foundation (SAD, Stichting Aanvullende Dienstverlening, founded in 1983).

In 1968 the national office for homosexuality, the Schorer Foundation, started its activities as an organisation that provides aid to homosexual men and women. The national government subsidy that enabled this start signified an acknowledgement of the necessity of providing specific aid to homosexual men and women with problems related to homosexuality. For example, the Foundation offers aid in accepting or formalising one's own homosexuality and/or gaining acceptance from family, friends or at work. Furthermore, problems can occur that concern discrimination and anti-homosexual violence, gay or lesbian parenthood and relationships and problems between parents and their gay/lesbian children. Personnel of the Ministry of Defence (civilians and soldiers) are making more and more use of this aid on their own initiative or after referral by social workers of the Ministry.

The homosexual community has been scourged by the disease Aids for a number of years. The SAD-Schorer Foundation offers psychosocial aid in this respect as well, in situations when it is difficult to have to live with sero-positivity (being a carrier of the HIV-virus) oneself, or as a partner, friend or parent. The Foundation has a large number of volunteers who are active as buddies. In addition, there are numerous activities aimed at promoting safe sex among men that have homosexual contacts.

Besides providing aid the SAD-Schorer Foundation offers education and training by means of training courses aimed at furthering expertise on homosexuality (and Aids). Consultations, education and training courses are given to government bodies, companies and organisations in order to realise work and social climates

that are (more) friendly towards homosexuals. The wide experience gained from working with homosexuals and homosexuality for many years is used in these training courses.

2. THE ARMED FORCES

An example of these training courses is the training programme within the Dutch armed forces. Since 1991 staff members of the SAD-Schorer Foundation have been involved in the development of this training programme within the Royal Air Force, the Royal Navy, the Royal Army and the Royal Military Police. The results of, among other things, the NISSO survey² and the experience gained from working with military clients mean that the SAD-Schorer Foundation is well informed about the situation of homosexual personnel at the Ministry of Defence. The course instructors of the SAD-Schorer Foundation are, thanks to their experience gained during the past years, also familiar with the organisational culture within the armed forces and the opinions and feelings among the military about homosexuals and homosexuality, and how these two aspects can influence each other. For example, anti-homosexuality formed a cohesive aspect in group dynamics for many years. In the recent Dutch situation a culture change is taking place in which there is no longer room for anti-homosexuality. If anti-homosexuality seemed to be functional in the past (for example, calling those who dropped behind on a march 'sissies'), this is now clearly dysfunctional.

Every week since the beginning of 1992 our instructors have been giving a one-day training course on homosexuality as part of the four-day training course 'A matter of outlook' for officers of the Royal Air Force. The Royal Air Force has chosen diversity training to convey to its personnel (from recruit up to and including lieutenant-colonel) that it is desirable to reflect on how one views minorities - women, non-natives, homosexuals - in one's direct environment. Part of the course is given by soldiers of the Homosexual and Armed Forces Foundation (Stichting Homoseksualiteit en Krijgsmacht).

At the end of 1992 the SAD-Schorer Foundation developed a two-day training course on homosexuality, aimed at all care workers (civilians and soldiers) within all three units of the armed forces: physicians, nurses, social workers, psychologists and staff members of conscription boards. As from 1994 this course will also be offered to personnel of the Royal Military Police and to those concerned with spiritual welfare (Roman Catholic, Protestant, Jewish, Humanist). This training course, called 'Furthering the assistance expertise with regard to homosexuality', consists of a general section (the training, on the first day) and a

section specifically geared to each of the occupational groups (second day). The first course day, run by a specially-trained instructor, is identical to the one-day training course offered to personnel of the Royal Air Force. On the second day the training course is offered in the form of two consecutive workshops, led as well by staff members of the SAD-Schorer Foundation who are part of that occupational group themselves. Experience shows that, for example, having physicians run training courses for other physicians offers the best possible situation for the successful transfer of information. One of the workshops will be led by a homosexual man, the other one by a homosexual woman.

3. TRANSFER OF KNOWLEDGE AND ATTITUDINAL CHANGE

In a training course such as this one, the transfer of knowledge by means of giving information is closely linked to the participants' perception of homosexuality; participants who, for the greater part, are likely to be heterosexual. Experience shows that their perceptions are often based on limited information and on their views, which are, for whatever reason, deeply rooted. For that reason one of the aims of the transfer of knowledge is to relate as closely as possible to those perceptions. Another aim is to answer any questions participants have as concretely as possible. In other words, an optimum interaction is strived for between offering (additional or corrective) information and making the participants' views and attitudes towards homosexuality and homosexuals explicit in the group. This is achieved by means of discussions with role plays, supported by a small exhibition and educational films about homosexuality. The information is transferred by professionals who are well informed about the developments within the gay and lesbian communities and who also show respect for the ideas and feelings of the participants.

In this interactive process the participants themselves determine which subjects are to be discussed at what time; the instructor ensures that during the day a number of topics are dealt with.

3.1 Introduction to the Training Course

A good introduction into the 'why' of a training course such as this one is of major importance. This introduction should preferably be delivered by a serviceman who just outranks the participants.

3.2 The History of Homosexuality

Homosexuality - in the sense of the sexual preference of men for men and of women for women - has probably occurred in all cultures and throughout all ages. Its form is strongly tied to the various cultures and periods and is therefore subject to change. For example, the recent history of Western culture shows a development in the views on homosexuality, passing from sin (punishment by God and government) via illness (treatment by 'professionals') to lifestyle (acceptance and integration).

3.3 Subcultures and Lifestyles

Characteristic of homosexuality is that many of its facets are not immediately apparent to 'outsiders'. Knowledge of the subculture and the lifestyle is usually limited to what one has learned, often in a sensational way, through the media or that 'one' homosexual acquaintance.

3.4 Development of Homosexual Identity

The particular nature of this identity development can well be explained by what it means to a boy/man or girl/woman to recognise homosexual feelings/longings in him/herself and the conflicts it can cause with the immediate environment (parents, partner, friends and colleagues) when he/she decides not to ignore these feelings. The instructor, trained to this end, has all the right qualifications - in particular since he is an 'experienced expert' - to inform the participants about this subject in detail.

3.5 The Specific Position of gays and Lesbians

What is different about homosexuals? The discussion resulting from this question balances between denying (trivialising) the differences or overly emphasising them. In the context of this subject attention is also paid to the specific situation of homosexuals within an organisation such as the armed forces, using the results of the NISSO survey. This survey shows

that out of necessity most homosexuals do not speak openly about their homosexual feelings at work. In a community in which men and women have to be able to rely on each other, even in difficult situations such as combat, (the suspicion of) homosexuality may act as an impediment to heterosexuals. This will, of course, only be the case when one has difficulties in dealing with homosexuality, homosexuals or homosexual colleagues.

3.6 Attitudes Towards Gays and Lesbians

As a rule, attitudes are more likely to be unfavourable (varying from indifference to hostility) than understanding. Participants are usually not aware of their attitudes or how they affect others. Attitudes are not only determined by the personal feelings about homosexuals and homosexuality, but perhaps even more by considerations of success and prestige within one's peer group, especially when this group has a male culture as it does in the armed forces.

4. TRAINING COURSE MATERIAL

4.1 'Two of a Kind'

In the room at the military education centre where the training course is given a small exhibition has been set up: 'Two of a Kind', the history of gays and lesbians in the Netherlands (Vae Solis/Amsterdam Historical Museum, 1989). The exhibition is informative, and the candid nature of the illustrations provides a good opportunity to stimulate discussions.

4.2 'Hey Guy, Hey Girl'

Furthermore, the Ministry of Defence has commissioned a videotape, called 'Hey guy, hey girl', that shows the gay and lesbian subcultures in their former and present forms and also includes interviews with gay and lesbian soldiers. A comment taken from this videotape: 'The Netherlands may be called a tolerant country, but what does tolerance mean when homosexuality can not be what it is, namely different. When gays are not allowed to be different, but only the same. When adjustment is the price to be paid for being accepted. Homosexuality is not the same as heterosexuality, but that does not mean that is sinful, criminal, sick or

pitiful.'

4.3 'Without even Blushing'

In recent years many publications have appeared on homosexuality. From this 'mer à boire' a selection has been made for a training course manual, 'Without even blushing'. This manual consists of two parts, as does the training course. The first part provides general information on homosexuality: its history, subcultures and lifestyles, identity development, the armed forces and attitudes with regard to homosexuality and homosexuals. For the second part of the manual articles have been chosen that relate more directly to the professional practice of the participants; because of their professional practice physicians, for example, have a need for different information than social workers.

5. TRAINING COURSE EVALUATION

In the course of 1993 the results will be known of a survey into the effects of these training courses, conducted by the NISSO under the authority of the Ministry of Defence. In the meantime the following paragraphs reflect some findings based on written evaluations of participants and experiences of the instructors of the SAD-Schorer Foundation.

- 5.1 At the beginning of the training course the majority of the participants do not have a positive attitude. At best they are hesitant, but more often they are clearly reluctant to take part. They have to attend the training course because they were given an official order to do so. They feel they are forced to seriously discuss - in a group consisting of colleagues - a subject that they do not consider to be a problem for themselves. In addition, all this attention to homosexuals is regarded as being unnecessary. Furthermore, they know of next to no homosexuals at work, so what are we talking about anyway?

Even if there is a problem for homosexuals within the armed forces - which most of the participants do not recognise and acknowledge - it is not their problem: 'You want things to change'. It is assumed that without political interference - under pressure of homosexual organisations - the military top would not pay attention to this subject. A captain: 'Before 1974 you

weren't allowed to be gay within the armed forces, after that you were, and in a few years you'll have to be gay to have a career.'

This is why a good introduction to the training course by a superior officer is of major importance. It is this element that is often missing: officers are not really motivated and often not competent enough to introduce the subject. Such signals by officers are explained away as 'there you are, they feel it's nonsense too.'

Among the higher ranks (captains, majors) and professionals (physicians, psychologists, etc.) the resistance, compared to the lower ranks, is not less but rather *different* in nature. The higher ranks also often express the feeling that they have no need for a training course such as this one; it is in the lower ranks where discrimination takes place. The lower ranks readily admit that they prefer to keep homosexuals at a distance; the higher ranks bluntly deny that there is a problem. At the end of the training course even professionals are surprised that there is so much to say about homosexuality, that evidently prejudices and discrimination exist in one's own circle and that it is not a matter of course to talk openly about homosexuality.

- 5.2 If gays and lesbians can no longer be kept out, they should behave in the 'proper' manner as defined by heterosexuals. You may be homosexual, but it must not show: 'As long as they don't openly show their feelings', 'It is not a problem, he doesn't show it', 'As long as they don't bother me'.

This does not alter the fact that even without these training courses homosexuality is talked about at work, but more in the sense of a subject for remarks and jokes. There are hardly any serious discussions; such discussions take place - in a group and perhaps for the first time - during these training courses. Participants make surprising discoveries. In a group they were used to expressing themselves negatively about homosexual men in particular (surprisingly not so much about homosexual women) and thus to gaining prestige among colleagues. They become aware of the mechanisms of this group behaviour and how the subsequent results can be offensive not only to homosexuals - who may even be a part of this group - but also to a number of heterosexual colleagues, as it turns out that a number of them have good contacts with homosexuals.

Training Courses on Homosexuality for Armed Forces Personnel

It should be made clear that in this day and age defence personnel work in richly diverse teams: heterosexual white men as well as women, non-natives, gays and lesbians.

Our instructors are keen to point out not only the differences between the homosexual and heterosexual lifestyles, but also the aspects they have in common: seeking love, sexual fulfilment, happiness and social success. In this manner the gap of prejudices can be bridged.

Obviously, the subject matter and its presentation by these instructors is controversial and confronting. However, a good instructor is capable of self-mockery and has a sense of humour. Initially the participants expect to be lectured about all the things they do wrong; it turns out that this is not the case.

- 5.3 Things are none too bright as far as factual knowledge about homosexuality, gays and lesbians is concerned. One is often led by taboos, ignorance and prejudices. The instructors have the expertise to make the underlying mechanisms more explicit (notions about God, 'nature', and about what is 'good' and 'evil') and to start a discussion among the participants about these topics. That is essential: participants should discuss among themselves their opinions, ideas and conduct.

It is our experience that in the course of the day the ice starts to break. Participants may not abandon their points of view, but these may be put into perspective or at least laid alongside other points of view. After a hesitant start they listen with considerable interest to each other and to the gay or lesbian instructor. The latter usually commands respect from the group, if only because he or she has committed him/herself fully and is prepared to answer all the questions. The fact that the commanding Defence officers have called in the services of external experts for these training courses is valued in the sense that it is obviously regarded as a solvable problem.

- 5.4 It would be an illusion to think that at the end of the day the participants have become different people, with a balanced opinion, a reserved response and a respectful attitude towards gay and lesbian colleagues.

However, most of them are convinced of the seriousness of the situation, they acknowledge the existence of a problem and face up to the fact that their organisation takes the discrimination of homosexuals seriously. By watching homosexuals and listening to them (instructor, exhibition, videotape) they can relate better to the homosexual reality. Furthermore, and by no means least important of all, they have been forced to consider their own opinions and feelings about homosexuals and homosexuality. That is the ultimate goal: awareness of the fact that homosexuality can be a problem for gays and lesbians, but also that this is no less of a problem for heterosexual men and women.

REFERENCE

- 1 Ketting, E, Soesbeek, K (ed), Homosexuality and the Netherlands' armed forces.
Bias and discrimination based on the sexual preference of enlisted menand women.
NISSO/Utrecht, 1992

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

HOMOSEXUALITY AND MILITARY SERVICE IN GERMANY

Bernhard Fleckenstein

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

1. Introduction
2. Policies
3. Practices
 - 3.1 Conscripts
 - 3.2 Regular Servicemen and Temporary-Career Volunteers
 - 3.3 Penal and Disciplinary Aspects
4. Problems
5. A Final Sociological Remark

References

ABSTRACT

The research paper looks into how Bundeswehr personnel management deals with the issue of homosexuality. The report is an evaluation of the (scanty) research into the subject including pertinent decisions by the courts and material prepared by the Federal German Ministry of Defence. The main findings are as follows:

Homosexual men are in principle fit for military service. This holds for conscripts as well as volunteers. They are, however, considered less appropriate for service than heterosexuals. Conscripts are for the most part not called up and volunteers without exception not employed if their homosexual orientation is brought to light in the course of the induction examination. This 'pragmatic approach' is founded on the principle that it best serves the interests of all parties involved.

Bundeswehr personnel management regards homosexuality in a soldier as an "aptitude deficiency"; homosexual soldiers are not suited to command, lead or instruct troops because of the prejudices still widely held against homosexuals. If their sexual orientation becomes known, homosexual soldiers may no longer hold leadership capacity. This reduces their chances of advancing their careers in the military. However, homosexuality is not a reason for discharge. The policy adopted by Bundeswehr personnel management has been upheld by several court decisions.

Homosexual behaviour off duty is (to a great extent) not a penal offence and therefore not liable to prosecution; however, men performing homosexual acts when on active duty are subject to disciplinary court proceedings. Very few cases have actually been dealt with in the courts. Homosexual men tend to shun the armed forces. They do not consider serving in the Bundeswehr an attractive option - neither as conscripts nor as volunteers.

1. Introduction

Homosexuality is a sexual orientation which deviates from the heterosexual norm. "The prevailing moral imperative of reproduction relegated homosexuals to minority status" (Stümke, 1989, p. 9). During the Middle Ages homosexuals were regarded as heretics and criminals; as a consequence of the bourgeois Enlightenment, they were viewed as diseased. Today, homosexual tendencies are no longer regarded as an illness, physically or mentally. Latest biochemist research points to at least partly genetic origins (Science 1993, Vol. 261, p321).¹

The assumption that roughly 10 percent of men are homosexually oriented was until very recently uncontested as scientific fact. This figure was widely disseminated by the notorious 1948 Kinsey Report. It gained credibility because it was eagerly seized on by the mass media as a handy rule of thumb and because human sexuality had not been a subject of serious social research for a long time nor were earlier studies taken up again. The latter reproach particularly applies to Germany, even though there has been a "German Society for Social Research into Sexual Behaviour (DGSS)" since 1972.²

The heyday of German sexological research was inaugurated in 1897 in Berlin with the foundation of the "Scientific-Humanitarian Committee (WHK)"; in 1919 the "Institute of Sexology" followed. This era ended in May 1933 when the Nazis looted the institute and forced the committee to dissolve. It is closely linked with the name of Magnus Hirschfeld (1868 - 1935), who "like no other researcher before or since empirically studied homosexual life and, as he was personally affected, experienced it firsthand" (Stümke, 1989, p.32).

As early as 1903 Hirschfeld asked some 3,000 Berlin students about their sexual orientation. In 1904 he conducted the same survey, this time with about 5,700 metal workers as respondents, and concluded from it that exclusively homosexual men comprised 2.2 percent of the population as a whole (Hirschfeld, 1904, p. 55).

Not until today has research again quantitatively and qualitatively begun to approach the work of Magnus Hirschfeld and the "Institute of Sexology" he headed. In the interval Alfred C. Kinsey was the doyen of the field. In a 1984 comment "On the Treatment of Homosexuals in the Bundeswehr", made on the occasion of the Wörner-Kiessling Affair,³ the DGSS stated the opinion that: "In the light of the empirical studies available, we must start from the assumption that there are about 65,000 soldiers in the armed forces who are primarily or exclusively homosexually

oriented" (Gindorf & Haerberle, 1986, p. 265).

It is not clear from this statement just which "empirical studies available" the DGSS was referring to. In relation to the manpower strength of the Bundeswehr at the time, which lay at 480,700 men according to the 1985 Defence White Paper, this would have meant that 13.5 percent of soldiers were homosexual. This is an utterly unrealistic figure, in line with the specious and amateurish approach which characterizes the entire comment.

According to figures published by the homosexual association "at most 2.5 percent" of conscripts are homosexual; the percentage among temporary-career volunteers and regular servicemen is "probably even lower" (Schwulenverband in Deutschland e.V., press release, 27 January 1993). In absolute figures that would mean between 8,000 and 9,500 homosexual soldiers (on December 7, 1992, troop strength was at 422,248 men, of whom 183,117 were conscripts). This is in line with the early Hirschfeld findings, although chances are that the actual numbers are even lower - as will be pointed out.

Three aspects of homosexuality and military service are presented in the following: the chapter named **POLICIES** describes the official position of the Bundeswehr's military manpower management on the issue, the chapter **PRACTICES** reveals how the military organization deals with homosexuality in daily life, and the chapter **PROBLEMS** enters into the particulars of civilian and armed forces' attitudes to homosexuality.

2. POLICIES

There are no official figures or percentages for homosexual soldiers in the Bundeswehr. The Bundeswehr respects the soldier's right to privacy. Homosexual soldiers are not listed as such nor has statistical evidence on the incidence of homosexuality in the armed forces been collated. Homosexuality is a fitness criterion when conscripts are called up and the ability of volunteers for service is being assessed. However, as a rule, no one (not even the other members of the local draft boards and induction centres) but the doctor (or perhaps the military psychologist) concerned ever hears anything about a conscript's or volunteer's sexual orientation, no matter how or why it has been included in a medical report.

The societal value change has also resulted in a more liberal position on homosexuality. In comparative studies conducted across Europe, the highest tolerance

ratings were registered in the Netherlands, followed further down the scale by Germany (see Table 1, Appendix). Nevertheless, reservations and prejudices have been shown to persist. Opinion polls on attitudes toward the homosexual minority often mirror socially acceptable responses. This is response behaviour which has little to do with the realities of daily life, let alone with life in the armed forces. The military is still a "community of men in cramped quarters" (Major General Manfred Würfel).⁴ It is military personnel policy to prevent problems which could be caused in a unit by homosexually oriented soldiers on duty from arising in the first place. The matter is regulated as follows:

Homosexual men are, like heterosexuals, eligible for conscription. Further, they are regarded as fit for military service in so far as they pass examinations on their physical fitness and psychological aptitude when called up. The determining factor when their mental fitness is being assessed is whether their integration into the military community of men can be expected to take place without difficulties.

According to legal requirements, a soldier is to be employed and assigned on the basis of "his aptitude, qualifications and skills" (The Legal Status of Military Personnel Act, par. 3, Principles of Appointment and Employment). Homosexual orientation does not render even a regular serviceman or a temporary career volunteer unfit for military service nor can it be a ground for discharge. Nevertheless, it does affect the assessment of a soldier's aptitude for service because it restricts the assignments on which he can be employed in the forces. Homosexual regular servicemen and temporary career soldiers are not considered suitable as superiors. This is official policy on this matter, and it is justified as follows:

Temporary-career volunteers and regulars advance up a career ladder of various staff and line assignments. On any rung of the career ladder, their assignments may include functioning in some leadership capacity, i.e., they will be vested with the power of command. According to a Commander's Guidance issued by the Army Chief of Staff on August 24, 1993 leadership assignments constitute the characteristic feature of an officer's profession determining his professional image (Kommandeurbrief 1/93).

If a commanding officer or non-commissioned officer is known to have homosexual tendencies, conventional wisdom has it that he suffers grave impairment of his authority as a unit leader or instructor. This in turn may affect troop discipline, cohesion and morale.

Because commanding officers and noncommissioned officers with admitted homosexual tendencies potentially lose credibility with the men serving under them, employment and advancement within the framework of command and control systems as required by military structure and planning cannot be effectively implemented.

The fact that homosexuals are restricted with regard to exercising the power of command generally means that the chances of promotion normally open to regulars and temporary career volunteers are closed to them, even though they might be equally skilled and qualified.

The policy adopted by the Bundeswehr as outlined above has been upheld repeatedly by the courts, specifically in 1978 and 1984 and most recently by a decision of the Federal Administrative Court dated November 8, 1990. In it the Court found that homosexuality represents an "aptitude deficiency" which is sufficient grounds for upholding the right of the military as an employer to refuse to allow homosexual soldiers to function in command positions and as trainers and instructors (Neue Juristische Wochenschrift 1991, p. 1127).

3. PRACTICES

3.1 Conscripts

Young men eligible for conscription will be asked during induction examination about possible homosexual tendencies if there are any corresponding clues. Same applies to volunteers. It is reported that most homosexual recruits disclose their sexual orientation if the doctor examining them steers the conversation around to the subject. Doctors and military psychologists then decide - if necessary, on the basis of a separate medical examination conducted by a specialist - whether and to what extent the conscript involved is "capable of fitting into a community", i.e., whether he can be integrated into the military community of men without attracting notice because of his sexual orientation. If the question cannot be decided unequivocally, he is ruled out as "mentally unfit for service" in accordance with the military examination regulations (Joint Services Regulation 46/1, 1979, reprint 1991).

Military doctors attesting the fitness of homosexual conscripts for military service use a decidedly stringent and rigid standard: almost all homosexual

conscripts are eliminated. This is not as discriminatory as it may look at first glance. There exists a long list of legal and administrative exceptions from universal conscription. In the past, roughly 50 percent of a male age cohort have been drafted. The percentage is further going down with the agreed cut in manpower strength from almost half a million men to a maximum of 370,000 soldiers by the end of 1994. The military discriminates in many ways: a legumen allergy may be sufficient reason for not being drafted. Up to this day, not any complaints of turned-down conscripts have become known. The military argues that apparently everyone seems to be satisfied with this pragmatic solution; it is in the interest of those concerned, who are exempt from compulsory military service (and also from the alternative of civilian national service), and it is equally in the interest of unit leaders, who do not want such men in their units, because then they do not have to worry about problems arising from the presence of homosexual recruits.

3.2 Regular Servicemen and Temporary-Career Volunteers

With respect to homosexual regulars and short-term and long-term volunteers, military manpower practice is as follows:

- (i) Homosexual soldiers are discharged from functioning as superiors if their sexual orientation becomes known or they admit it themselves. If they are on high-security assignments, their cases are dealt with on an individual basis to determine whether they may represent an unacceptable security risk.
- (ii) Under military regulations a lieutenant may be discharged at any time up to the end of his third year of service after receiving his commission on grounds of unfitness for service as a career officer. In the case of homosexual tendencies, this regulation governing exceptional cases is applied (The Legal Status of Military Personnel Act, par. 46, sec. 7).
- (iii) Homosexual regular servicemen and temporary career volunteers who have served for more than four years are not discharged before their term of service has been completed.
- (iv) Volunteers for service as temporary career soldiers or regulars are

not employed nor can they transfer to regular status if they are known to be homosexuals.

3.3 Penal and Disciplinary Aspects

A soldier's homosexual orientation does not constitute an offence against regulations. Consequently, it is not punishable as such. In any case, what soldiers do off duty and outside the Bundeswehr is their own concern. The law declaring homosexuality a penal offence has been - with certain limitations - repealed; the penal code formerly operative has been revised: homosexuality is no longer prosecuted. Lesbian acts have never been criminal offences. In principle homosexuals and heterosexuals are equal before the law.⁵

The situation is different if homosexual behaviour occurs when a soldier is on active duty. Court decisions have confirmed that homosexual acts committed by soldiers on active duty cannot be tolerated. In a decision dated July 30, 1991 the Federal Administrative Court has found that: "Homosexual relations cannot be tolerated in the Bundeswehr because they may lead to the isolation of certain groups or the formation thereof, to jealousy and mutual distrust, thereby destroying unit cohesion" (*Neue Zeitschrift für Wehrrecht* 1992, Vol. 2, p. 78). On January 15, 1992 the Court passed another decision of the same tenor (*Neue Zeitschrift für Wehrrecht* 1993, Vol 1, p34 - 36).

Homosexual acts performed by soldiers when on active duty constitute an offence against military regulations; as a rule offenders are tried and sentenced by military disciplinary courts. This is certainly the case if a superior in his capacity as such molests a subordinate, forcing him to engage in homosexual acts against his will. In a decision dated November 11, 1988, the Federal Administrative Court defines such incidents as a violation of the inalienable dignity of man guaranteed by the constitution and finds further that: "The liberalisation of the penal code with regard to homosexuality may not, and does not, apply to the relationship between superior and subordinate. It would be an intolerable state of affairs if young conscripts serving in the Bundeswehr in compliance with the National Military Service Act were to be exposed to sexual assaults by their superiors." The Court concludes that in cases involving serious offences of this nature a soldier "cannot be tolerated as a superior and is to be discharged from the military" (*Dokumentarische Berichte* 1989, Edition B, Vol. 9, p. 122, p.

119). This holds for both regular servicemen and temporary-career volunteers.

Moreover, the latter can be discharged immediately during the first four years of service if they were subjected to military disciplinary proceedings or sentenced in a civilian court in connection with homosexual acts and if their remaining in the military might seriously disturb discipline or have a deleterious effect on the reputation of the Bundeswehr (The Legal Status of Military Personnel Act, par. 55, sec. 5).

In less serious cases the disciplinary measures considered are usually demotion, a ban on promotion and salary cuts. A ban on promotion may be associated with a cut in salary (see Table 2, Appendix).

It should be emphasized that the borderline between homosexual behaviour by soldiers in private and by men on active duty is sharply demarcated. Homosexual acts of soldiers outside the Bundeswehr are (to a great extent) not penal offences and therefore are not liable to prosecution; however, homosexual behaviour by men on active duty is prosecuted in military disciplinary courts.

4. PROBLEMS

The Schwulenverband in Deutschland e.V. charges that the position taken by the Federal Administrative Court on the issue "lags far behind social developments as a whole" and that the Court "is parading its intolerance with regard to social issues" (Schwulenverband in Deutschland e.V., press release, 27 January 1993). Rulings made by the Court so far are unconstitutional and represent discrimination against homosexual soldiers even to the extent of destroying their professional career. If steps are not taken soon to change this state of affairs, the advisability of an appeal to the Federal Constitutional Court will be "seriously considered" (Schwulenverband in Deutschland e.V., press release, 29 January 1993).

Leaving aside the political rhetoric typical of press releases, in essentials, the issue involved is whether Bundeswehr personnel management will continue to have the discretionary powers to decide on the fitness of military leaders and instructors for service. The first task of Bundeswehr personnel management is to ensure the combat capabilities of the Bundeswehr as an effectively functioning force. This objective is anchored in the Constitution (Article 87 a).

The Bundeswehr military command claims that it cannot ignore the fact that the acceptance of homosexual soldiers - particularly officers and noncommissioned officers - is still a highly complex and delicate issue if regarded realistically. The current legal position is that the Federal Minister of Defence is not obliged to uphold and actively promote the (alleged) right of homosexually oriented soldiers to equality of treatment and opportunity - a stand which might even prejudice the combat capabilities and effective functioning of the Bundeswehr - against prevailing popular opinion.

The findings obtained from empirical research conducted to ascertain the 'sexual ethics' of young soldiers support this reading of the legal position. A survey conducted by the German Armed Forces Institute for Social Research (SOWI) in autumn 1992 obtained, among others, the following finding: only a third of the recruits questioned considered homosexuality "all right"; roughly half evaluated it as "bad" or "very bad" (see Table 3, Appendix).

Therefore, claims that sexual attitudes have become more liberal should be approached with caution. On the one hand, homosexuals have indeed profited from the prevailing permissive attitudes to sexual mores. Only a minority of the population, for instance, would like to see sexual acts performed between members of the same sex generally forbidden. On the other hand, however, a decrease in hostile attitudes to homosexuality is not the same thing as an increase in social acceptance; homosexuality is actually permitted rather than accepted.

That is the main finding of a study conducted by Michael Bochow in 1991 and published in June 1993. The survey was in part a repeat of a similar study conducted in 1974 (Lautmann & Wienold 1977, 1978). With regard to changes registered between 1974 and 1991, particularly with regard to a decline in open hostility and growing acceptance of homosexuality, Bochow writes:

"The attitudes registered can be characterized more accurately by the term 'indifference' than by 'active tolerance'. Such values represent a profession of tolerance towards homosexuality only as long as homosexual men or women do not invade the private sphere of the persons concerned" (Bochow, 1993, p. 124).

What may, therefore, at first glance appear to represent an increase in liberal attitudes is actually a growth in indifference. Moreover, the latter attitude prevails

only as long as the proximity of what is perceived as different is not registered, i.e., as long as no attempt is made to fall below a critical social distance. The majority of heterosexuals has no contact at all with homosexuals and most do not desire to have any. As the Federal Health Office (Bundesgesundheitsamt) in Berlin reports in its January 1993 newsletter, the issue of AIDS has led to an increase of reservations against homosexuals. Since they are regarded as a high risk group, the need for keeping a distance from them has become more pronounced (AIDS-Nachrichten 1993, Vol. 1).

A young soldier expressed this attitude in a conversation as follows: "I respect my comrades' right to privacy; however, I also have a right to be protected from the private lives of others."

In a newly released survey on "Violence Against Gays in Lower Saxony", (Antischwule Gewalt in Niedersachsen), conducted by Jens Dobler and edited by the Ministry of Social Affairs, the author states: "There are grounds for the supposition that there is a connection with the immune deficiency illness AIDS. Indeed, a rise in the level of anti-gay violence was also observed in the USA, which coincided with the widespread publicizing of AIDS round about 1982. ... Despite all the facts that have now come to light, AIDS is even today still regarded as a 'gay disease'" (Dobler, 1993, p. 106).

Therefore, military manpower experts argue that they have to consider the privacy rights of the heterosexual soldiers in order to get sufficient applicants and reenlistments for voluntary military service. The fact is that the heterosexual majority continues to regard keeping a distance socially from the homosexual minority as desirable. Very little has changed in this respect since 1974. If one follows Bochow, 61 percent of West Germans and 65 percent of East Germans prefer to avoid social contact with homosexuals; 42 percent of respondents confirmed the statement that they would "feel physically uneasy" in the presence of homosexual men. In 1974, 46 percent of the respondents agreed with the same statement (Bochow, 1993, pp. 118-119).

Moreover, the way homosexuality is perceived evidently depends on the respondents' social context. In the military 'all-male community', the issue is discussed in terms different from those prevalent in sociological seminars. The reactions to homosexuality registered in the military reflect that both the possibility of proving that one is 'normal' is welcomed and that respondents feel peer pressure to do so. With respect to the "social reality" in the Bundeswehr, from which the issue of homosexuality cannot be disassociated, Max H. Flach points out in a social-

psychological report for the Ministry of Defence: "Difficulties in social adjustment and conflict situations are bound to arise in work groups comprising males in as much as one is invariably forced to give 'proof of one's heterosexuality' if one wants to be respected by one's peers" (Flach, 1985, p. 15).

As to the gravity of the matter, homosexuality tends to be a "purely academic issue" in daily military routine (Der Spiegel 1993, Vol. 7). The incidence of serious breaches of duty connected with homosexuality is extraordinarily low: from 1981 until 1992 there were on average only 5.2 disciplinary court proceedings a year involving homosexual behaviour among soldiers (see Table 4, Appendix).

To ensure the basic rights of soldiers and to strengthen parliamentary control over the armed forces, Article 45 b of the Constitution provides for the appointment of a Parliamentary Commissioner for the Federal Armed Forces who is accountable to the Bundestag. All soldiers can appeal to him without having to go through the official channels if they feel that their basic rights have been infringed. The institution itself has been frequently called an "early warning system". According to the law the Parliamentary Commissioner intervenes if he is aware of circumstances which may involve a violation of soldiers' basic rights or the principles of *Innere Führung* (i.e. Leadership and Civic Education). He must report his findings to the Bundestag. In the annual reports issued by the Parliamentary Commissioner over the past ten years (1983 - 1992), there is absolutely no mention of petitions or complaints by homosexual soldiers. The term 'homosexuality' does not even appear anywhere. That does not necessarily mean that the basic rights of every single homosexual soldier have always and under all circumstances been respected in the past decade. What it does mean, however, is that homophobic commanders or comrades making life miserable for homosexual soldiers are rare and unusual exceptions. Evidently nothing serious of this nature has come to the notice of the various Parliamentary Commissioners during the last ten years so that they felt induced to intervene and to report to Parliament.

Finally, in his already mentioned survey on "Violence Against Gays in Lower Saxony", Jens Dobler writes: "In the State of Lower Saxony, there are a large number of Bundeswehr and NATO bases. With this in mind, it was of interest to discover whether attacks by soldiers on gays have been reported on the bases. There were very few incidents to lead us to infer such behaviour. Soldiers do not manifest themselves in any significant frequency as perpetrators. They do not make up a particular group of offenders. ... Discussions held with gay soldiers provided no evidence of anti-gay violence" (Dobler, 1993, p46).

5. A FINAL SOCIOLOGICAL REMARK

From the sociological view it is of interest to know whether homosexual behaviour is encountered in some social groups and institutions more than in others. It has often been maintained that homosexuality is particularly common in societies with a strong military tradition and there exist even allegations of a close connection between homosexuality and militarism. As far as I know, Theodor Geiger was the first German-speaking sociologist to test the validity of this hypothesis in a sociological essay published in 1952, convincingly refuting it (Geiger, 1952).

Moreover, there is no support for the conjecture occasionally bantered about that the military is particularly attractive to men with homosexual tendencies because close contact with persons of the same sex affords ample opportunities for establishing homosexual contacts. The reverse seems to be true. Regarding the suspected occurrence of homosexuality in the all-male military, Dobler states: "It is not true to say, as homosexuals sometimes do in ill-considered comments, that homosexuality is predominant in such communities. There is no reason why homosexuality should be any more frequent here than in the rest of society. It is far more a 'homosocial system' that is absolutely unable to permit homosexuality" (Dobler, 1993, p46).

In the Bundeswehr the percentage of homosexual soldiers is noticeably below the overall percentage of homosexual men in society at large. One of the reasons for this may be that conscripts usually are not inducted and volunteers not employed if they are known to have homosexual tendencies. Moreover - and probably more important - this may be due to the fact that homosexual men tend to avoid service in the armed forces because they may find the close contact to others in cramped quarters and the strong social control embarrassing. In the military homosexual tendencies do not remain undetected for very long. Homosexual soldiers must still expect to encounter professional and personal difficulties and this evidently also holds for soldiers who openly admit their homosexuality.

Young men who are conscripted can decide for themselves whether to serve in the armed forces or to do civilian service. It is a safe assumption that the vast majority of homosexual men do not even consider serving in the Bundeswehr a viable option - neither as conscripts nor as volunteers.

“The military doesn’t like gays”, as a peace-movement periodical recently stated, and this is right to the point (antimilitarismus information, 1993, Vol 2, p6). Conversely, homosexual men in Germany do not like the military very much either.

REFERENCES

- 1 About 20 years ago, homosexual men in Germany first referred to themselves as "schwul" (ie gay). At that time, the term schwul had a clear negative meaning. The new homosexual movement of the sixties chose the term on purpose as a provocative means to promote their different way of living: "We are gay, and we are proud of it." - The article adheres to the term homosexual, mainly because in the official language of government declarations, judicial rulings, military regulations, and medical reports the term gay is not (yet) in use.
- 2 The DGSS (Gerresheimer Straße 20, 40211 Düsseldorf) was founded on January 26, 1972, and was originally called "Society for Promoting Social Research into Sexual Behaviour (GFSS: Gesellschaft zur Förderung Sozialwissenschaftlicher Sexualforschung)". It has gone under its present name since March, 1992.
- 3 What became known as the Wörner-Kiessling Affair is probably the most bizarre episode in the history of the Bundeswehr: On December 23, 1983 the then Minister of Defence, Manfred Wörner, dismissed Günter Kiessling, West Germany's third-ranking general and one of the two deputy NATO European commanders, on unproven charges that he was a homosexual who posed a security risk. Mr. Wörner made himself foolish in his efforts to bolster the case against the general, and barely survived in office when the allegation proved false and Kiessling was formally rehabilitated.
- 4 Although women have been serving in the Bundeswehr since June 1, 1989, there are not many of them and they are only employed in the Medical and Health Services and the Musicians Corps.
- 5 The present legal situation is as follows: Under Paragraph 175 of the Penal Code, homosexual acts between men are liable to prosecution when one of the partners is under the age of 18. However, under Paragraph 182, this law applies to girls until the age of 16. In future the law will provide that the protection of minors from sexual abuse is dealt with uniformly, regardless of whether heterosexual or homosexual relations are involved; the statutory age limit is to be 16 for both sexes. Three drafts for further reform of the Penal Code with regard to sexual offences have been submitted to Parliament. They differ only in minor, often merely semantic, points. - Recent efforts, however, to have the "sexual orientation" or "sexual identity" of a person explicitly inserted in the anti-discrimination Article 3 of the

Basic Law failed to win the necessary two-thirds majority in the 'Joint Commission on the Constitution'.

Bochow, M. (1993). Einstellungen und Werthaltungen zu homosexuellen Männern in Ost- und Westdeutschland. In C. Lange (Ed.), Aids - eine Forschungsbilanz. Berlin: Edition Sigma.

Dobler, J. (1993). Antischwule Gewalt in Niedersachsen. Ausmaß-Delikte-Täter-Opfer-Maßnahmen. Hannover: Niedersächsisches Sozialministerium (Ministry of Social Affairs Niedersachsen, Postfach 141, D-30001 Hannover).

Federal Administrative Court (2 WD 69/87). Decision of 11 November 1988. Dokumentarische Berichte 1989, Edition B. Vol. 9.

Federal Administrative Court (1 WB 61/90). Decision of 8 November 1990. Neue Juristische Wochenschrift 1991. Vol. 17.

Federal Administrative Court (2 WD 5/91). Decision of 30 July 1991. Neue Zeitschrift für Wehrrecht 1992. Vol. 2.

Federal Administrative Court (2 WD 41/91). Decision of 15 January 1992. Neue Zeitschrift für Wehrrecht 1993. Vol. 1.

Flach, M. H. (1985). Eine sozialpsychologische Stellungnahme zur Homosexualität in den Streitkräften. Arbeitsbericht des Psychologischen Dienstes der Bundeswehr Nr. KL-1-85. Bonn: Federal Ministry of Defence - P II 4.

Geiger, Th. (1991). Homosexualität und Gesellschaft. Kölner Zeitschrift für Psychologie und Sozialpsychologie. Vol. 4, pp. 739 - 750. First printed in 1952 as "Homosexualität och samhälle" in Schmitt, J. W. (Ed.), Homosexualiteten. Studier i dess orsaker och problem (pp. 245 - 258). Stockholm: Wahlström & Widstrand.

Gindorf, R. & Haeberle, E. J. (1986). Sexualität als sozialer Tatbestand. Berlin and New York: Walter de Gruyter.

Hirschfeld, M. (1904). Das Ergebnis der statistischen Untersuchungen über den Prozentsatz der Homosexuellen. Leipzig: Max Spohr.

Joint Services Regulation 46/1 (1979, reprint 1991). Regulations Governing the Conduct of Medical Examinations When Conscript are Called Up and Inducted, Admission and Employment of Volunteers and the Discharge of Soldiers. Bonn: Federal Ministry of Defence - InSan I 5.

Schwule in der Bundeswehr (1993). antimilitarismus information. Vol 2, p6.

Schwulenverband in Deutschland e.V. (1993, January 27 and 29). Press Release.

Stumke, HG (1989). Homosexuelle in Deutschland. Munchen: CH Beck.

Versiegelte Briefe (1993, February 15). Der Spiegel. Vol 7, pp47-54.

TABLE 1
EUROPEAN VALUES 1990
(Population 18 and over)

Question:

“Please tell me for each of the following statements whether you think it can always (= 10) be justified, never (= 01) be justified, or something in between, using this card (SHOW CARD)”.

	Belgium	France	West Germany	Great Britain	Northern Ireland	Rep of Ireland	Italy	Netherlands	Portugal	Spain
Married men/ women having an affair	2.74	3.69	2.88	2.43	1.61	1.88	2.98	2.79	2.39	2.37
Sex under the legal age of consent	3.93	3.75	2.92	1.75	1.35	1.35	3.19	5.19	3.36	2.35
Homosexuality	3.88	3.92	4.46	3.53	2.42	3.15	3.63	7.20	2.35	3.43
n =	2792	1002	2101	1484	304	1000	2018	1017	1185	2637

Source: Institut für Demoskopie, Allensbach

TABLE 2

**Sentences Passed in Disciplinary Court
for Homosexual Behaviour 1981 - 1992**

Discharge	9
Demotion	20
Ban on Promotion + Salary Cut	10
Ban on Promotion	11
Salary Cut	2
Acquittal	7
Proceedings discontinued	2
Decision pending	2
	n = 63

Source: MOD - VR I 8 - of March 3, 1993

TABLE 3

On the 'Sexual Ethics' of Bundeswehr Conscripts

Please indicate your opinion.

	Unmarried cohabitation		Prostitution		Abortion		Homosexuality	
	East	West	East	West	East	West	East	West
Agree With:	%	%	%	%	%	%	%	%
All right	91.6	87.9	58.7	46.2	70.6	32.9	27.8	31.9
Not all right	5.9	8.6	22.5	28.2	16.2	29.8	20.3	20.3
Bad	1.6	2.6	8.4	12.4	5.3	15.2	10.2	12.7
Very bad	0.9	0.9	10.4	13.1	7.9	22.1	41.7	35.1
n =	893	456	888	450	889	447	882	433

Source: Sozialwissenschaftliches Institut der Bundes-wehr, Munich. September/October 1992.

TABLE 4

**Disciplinary Court Proceedings against Soldiers
for Homosexual Behaviour 1981 - 1992 (n = 63)**

1. Proceedings:		
	1981 = 6	
	1982 = 5	
	1983 = 6	
	1984 = 7	
	1985 = 5	
	1986 = 5	
	1987 = 6	
	1988 = 5	
	1989 = 1	
	1990 = 6	
	1991 = 3	
	1992 = 8	
2. Soldiers by Rank:		
	Officers	20
	Senior NCOs	35
	Junior NCOs	8
		63

Source: MOD - VR I 8 - of March 3, 1993

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

**HOMOSEXUALS IN THE ARMED FORCES
OF THE UNITED KINGDOM**

**Gwyn Harries-Jenkins
and
Christopher Dandeker**

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

1. Introduction
 - 1.1 Policies
 - 1.2 Practices
 - 1.3 Problems
2. Policies
 - 2.1 The historical and legal context
 - 2.2 Policy changes in the 1960s
 - 2.3 Implications of the 1967 legislation for the armed forces
 - 2.4 Recent evidence and debates
 - 2.5 Current developments in policy towards homosexuals in the armed forces
 - 2.6 Key Conceptual Issues in the application of military law to homosexuality
3. Practices
 - 3.1 Formal Policy and organizational culture
 - 3.2 The Military self-image of masculinity
 - 3.3 Effects of organizational culture - opposition to homosexual tendencies
 - 3.4 Issues of social and legal rights
 - 3.5 Difficulties in assessing the number of homosexual personnel involved

4. Problems

4.1 Social and Medical Problems

4.2 Social Problems - issues of cohesion, morale and operational effectiveness

4.3 The problem of violence and assault

4.4 Harassment of homosexual personnel

4.5 Medical Problems and operational consequences

4.6 Policy responses to medical problems

5. Conclusions

5.1 The development of policy and the use of evidence

5.2 Policy changes in the UK apparent or real?

5.3 Three options for change in the future

5.4 The context of policy: the UK armed forces in transition

References

ABSTRACT

The issue of homosexuality in the British military has attracted considerable attention and has produced a small but significant body of literature.¹ Much of what has been written, however, starts from a value-based position in which rational discussion is often subordinated to the presentation of polemics and political arguments.

This paper sets out to look critically at the current position of gays and lesbians in the British armed forces by considering the three basic questions of policies, practices and problems. It examines the institutional and historical background to the longstanding policy of excluding homosexuals from military service, in particular the argument that recruitment and retention of homosexuals will damage operational effectiveness. The paper discusses the background to recent changes in policy particularly in regard to the decriminalisation of homosexuality in military service and examines the prospects for further moves towards fuller integration of homosexual personnel in the armed forces. The paper stresses that this issue is only one of a number of personnel changes that the British forces are having to address in the new social and strategic climate of the post Cold War period.

1. INTRODUCTION

In the context of this report, “policies”, refers to the declared aims and objectives of the military organization which govern the employment of personnel within national armed forces. Such aims and objectives are not static and they change over time. The term also relates to the rules and regulations which, in the guise of “military law”, govern the behaviour of individual service personnel.

“Practices”, equally refers to the employment of personnel. Specifically, the term acknowledges that the culture of military organizations, in reflecting an amalgam of symbols, rituals, heroes and values, provides a set of operational criteria. These may imply accord with declared ‘policies’; they may enlarge upon them through the provision of examples and rules of good practice. They will in some situations provide an alternative to formal rules and regulations.

“Problems” are the ‘garbage can’ of decision-making. Notwithstanding legislative provision and an acknowledgement of the impact of culture on management practice, the military, in common with other large complex organisations, is consistently faced with the existence of major operational problems. Minor issues can be readily solved; major questions require more consideration and deliberation.

2. THE DEVELOPMENT OF POLICY

2.1 The Historical and Legal Context

In the United Kingdom, the traditional policy of the government with regard to the recruitment and retention of homosexuals in the armed forces, was based on the premise that military law should replicate common and statute law. Effectively, this meant that homosexual acts were a criminal offence. In the military, their commission and detection led to the court martial of the offender; in civil society the full panoply of the law was equally exercised.

2.2 Policy Changes in the 1960s

This policy was changed in civil society following the recommendations of the Wolfenden Report (1957). Under the subsequent Sexual Offences Act (1967), it was laid down that homosexual acts undertaken in private

Homosexuals in the Armed Forces of the United Kingdom

between two consenting males over the age of 21 would not be a criminal offence. Such acts where one party was under the age of 21 continued to be a criminal offence, as did the commission of homosexual acts in a public place. Since lesbian acts had never been a criminal offence, their commission was not affected by the reforms of the 1967 Act.

Section 1(5) of the Act, however, enacted special provisions for the armed forces of the United Kingdom. For males in the military, traditional policy continued to apply. The rationale for this had been given in the Wolfenden Report.²

Offences in Disciplinary Services and Establishments.

144. We recognise that within services and establishments whose members are subject to a disciplinary régime it may be necessary, for the sake of good management and the preservation of discipline and for the protection of those of subordinate rank or position, to regard homosexual behaviour, even by consenting adults in private, as an offence. For instance, if our recommendations are accepted, a serving soldier over twenty-one who commits a homosexual act with a consenting adult partner in private will cease to be guilty of a civil offence or of an offence against Section 70(1) of the Army Act, 1955 (which provides that any person subject to military law who commits a civil offence shall be guilty of an offence under that section, and hence liable to be dealt with by court-martial). The service authorities may nevertheless consider it necessary to retain Section 66 of the Act (which provides for the punishment of, inter alia, disgraceful conduct of an indecent or unnatural kind) on the grounds that it is essential, in the services, to treat as offences certain types of conduct which may not amount to offences under the civil code. Similar problems may arise in relation to other services and establishments.

2.3 Implications of the 1967 Legislation For The Armed Forces

As a result of an exemption from the 1967 Act, service personnel could still

be charged under military law for the commission of homosexual acts in circumstances where an offence would not be committed in civilian life. The offence would usually be identified as "disgraceful conduct of an indecent kind", or "conduct prejudicial to good order or discipline" and possibly, but very rarely, "scandalous conduct by officers" (Manual of Military Law). Coincidentally, the military could use the mechanism of an administrative discharge ("services no longer required" or a "return to shore") as an alternative to the legal process of the court martial.

2.4 Recent Evidence and Debates

It has been reported that 39 service personnel were dismissed from the armed forces between 1988-1992 following conviction for an offence involving homosexual activity (Royal Navy, 9; Army, 22; Royal Air Force, 8) whilst 296 were discharged as a result of administrative action. Of those discharged on administrative grounds from the Army during this period, over half were women who under British civil legislation had committed no criminal act.

During the course of considerable discussions in the House of Commons on the 1991 Armed Forces Bill, it was pointed out that society outside the Armed Forces was now much more tolerant of differences in sexual orientation than it had been. This was contrasted by the British pressure group Stonewall with what happened in the military. In an undated press release (probably early 1993), they argued that exemption from the 1967 Act had allowed the armed forces to

'punish consenting sex between men, even during off-duty hours and in private. In theory this could also apply to heterosexual sex; in practice only gay sex was punished this harshly. On average, 10 men a year were sent to prison, often for 18 months. Lesbians were often threatened with prison. In addition, lesbians and gay men faced automatic discharge if they were discovered to be gay'.

Official policy, however, was vigorously defended by Archie Hamilton, the then responsible Minister, during the course of this 1991 Debate on the Armed Forces (Discipline) Bill. He argued that

Homosexuals in the Armed Forces of the United Kingdom

'both homosexual activity and orientation are incompatible with service in the armed forces. The main reason centres on the need to maintain discipline and morale. The services are hierarchical, close knit overwhelmingly single sex and young communities. Units can work to full effectiveness only on the basis of mutual trust and the expectation of equal treatment among each rank. The formation within these units of sexually motivated relationships are potentially very disruptive of discipline and morale, particularly when they cross rank boundaries'.³

2.5 Current Developments in Policy towards Homosexuals in the Armed Forces

As a result of the above debates, the government was forced to concede that the exemption for the military from the provisions of the Sexual Offences Act (1967) - the section 1(5) clause - was no longer tenable. Accordingly civil and military law were to come into line so that homosexual acts were decriminalized. The Select Committee on the Armed Forces Bill (1991) recommended that

'homosexual activity of a kind that is legal in civilian law should not constitute an offence under Service law. We look to the Government to propose an appropriate amendment to the law before the end of the next Session of Parliament'⁴

The government, in the form of Archie Hamilton, responded cautiously to this recommendation but gave no firm undertaking as to the timing of any legislative changes.⁵ In July 1991, the Earl of Arran announced an internal review to be carried out within the Ministry of Defence in which the experience of other countries would be examined in the development of policy on this issue. In June 1992, in connection with the annual renewal of the Armed Forces Discipline Acts, it was announced that the Select Committee recommendation was to be accepted and implemented immediately in administrative practice and the requisite legislative changes would be introduced as soon as the Parliamentary timetable allowed, ie the Sexual Offences Act 1967 would require amendment. This concession did not change the basic policy of the Government towards homosexuality in the armed forces. The British position is that overt homosexuality

continues to be incompatible with service in the armed forces. Although criminal charges will not be and cannot be laid against service men and women for the commission of acts which are not offences under civil law, official policy is unyielding. Homosexuality is incompatible with military service.

2.6 Key Conceptual Issues in the Application of Military Law to Homosexuality

In any discussion of this policy, however, it is necessary to be clear about the terms which are being used. Three terms can be distinguished:

- ☐ homosexuality
- ☐ homosexual acts
- ☐ homosexual offences.

The dictionary and legal definition of the first term states simply that homosexuality is having a sexual propensity for persons of one's own sex.

This definition, as is pointed out in the 1957 British Report of the Committee on Homosexual Offences and Prostitution (the Wolfenden Report), "involves the adoption of some criteria for its recognition. As in other psychological fields, the conclusion that such a propensity exists has to be derived from both subjective and objective data. The former will reflect what is felt by the person concerned; the latter, what is done. The use of such data as the determinant of the presence or absence of the sexual propensity has to be treated with caution, for its use is subject to the strict rules of evidence. This is particularly so where subjective data are the basis of evaluation.

For example, individual service personnel may not be aware of either the existence or strength of a feeling or propensity. The Wolfenden Report notes that: "Rationalisations and self-deception can be carried to great lengths and in some cases lying is also to be expected".

The British military leans heavily towards the use of subjective data in

Homosexuals in the Armed Forces of the United Kingdom

taking disciplinary action in that it is the feelings of the individual concerned which are critical. Hence the reference by Hamilton in the June 1991 debate to "both homosexual activity and orientation".

'It is MOD policy neither to recruit nor to retain any person who admits to being homosexual. Being lesbian or gay is grounds for instant dismissal ("administrative discharge"). You do not have to be caught having sex to be dismissed - the very fact of being gay is enough'⁶

The policy of the military in this context, as the pressure groups such as Stonewall continue to stress, imposes restrictions which would not be tolerated in civilian employment. The policy is often seen to be contrary to the policy of the European Community. In its Resolution of 13 March 1984, the European Parliament stated that

in the campaign against discrimination of all kinds, it is impossible to ignore or passively to accept de facto or de jure discrimination against homosexuals.

In the United Kingdom military, however, an admission by individuals of their homosexuality (coming out of the closet), makes them liable to dismissal from the armed forces.

Whereas homosexuality, by definition, is a state or condition the existence of which has to be determined from primarily subjective data, homosexual acts are evidenced by objective data. A latent homosexuality may be influenced from behaviour which is not overtly sexual. It may thus be inferred from an individual's outlook or expression of opinion or preference for a certain mode of conduct. Homosexual acts, in contrast, are overtly sexual. They are, for example, defined in current US Army Regulations as:

bodily contact, actively undertaken or passively permitted, between members of the same sex for the purpose of satisfying sexual desires.⁷

It is, however, a question of legislation as to when such acts become homosexual offences. The concept of homosexual offences extends by definition the identification of homosexuality as a state or condition, and

the identification of homosexual acts as a form of sexual behaviour. Homosexual offences are those overt acts which because they are contrary to law, renders the perpetuating individual or individuals liable to prosecution. On conviction, the offender is punished, the severity of that punishment varying in accordance with the dictates of national practice.

What constitutes a homosexual offence varies from country and has changed over time. There are no absolute homosexual offences. Notwithstanding the prescriptions of a Judaeo-Christian tradition, it is in actuality contemporary legislators who define the legality or otherwise of a specific homosexual act. Legislation in the United Kingdom, however, follows three precepts:

- ☐ there is need for laws to safeguard those in need of protection by reason of their youth or mental incapacity
- ☐ a major function of law is the preservation of order and decency in public places
- ☐ there is a requirement to regulate conduct seen to be contrary to the public good. To these determinants of civil legislation, military legislation in the United Kingdom adds:
- ☐ the need to regulate conduct prejudicial to good order and discipline.

Some of the offences here will be common to all service personnel irrespective of their sexual preference. Offences such as coercion or harassment irrespective of whether the associated sexual relationship is homosexual or heterosexual are punished as "conduct prejudicial to good order and discipline". The latter term can have a wider interpretation to include conduct such as a sexual relationship between service personnel of different ranks although such a relationship would not be an offence in a civilian organization. The United Kingdom also stipulates that major breaches of these rules on conduct will constitute offences punishable by court-martial as an alternative to administrative discharge.

The rationale which underlies UK policy on homosexuality in the military can be discussed more fully under the headings of "practices" and "problems" to which we now turn.

3. PRACTICES

3.1 Formal Policy and Organizational Culture

In order to understand the position of homosexuals within the British military, one must address not only the formal policy context of legal and administrative regulations but also the organisational culture of the armed forces because this influences the ways in which regulations are interpreted and enforced. This culture comprises the self-image of the British military.

3.2 The Military Self-image of Masculinity

Traditionally, military socialisation in the United Kingdom has been linked to the development and maintenance of an occupational culture, the symbols, rituals and values of which have constituted an idealised self-image. In British society, the latter has stressed the importance of such qualities as toughness, aggressiveness, endurance and controlled deviancy. These, irrespective of the logic of the arguments which have been put forward, have been perceived as masculine traits; inadequate or poor performance, on the other hand, has been equated with a femininity which is the antithesis of effective soldiering. To maintain and develop the military self-image, British armed forces have established complex personnel policies and practices. Almost without exception, these have emphasised the notion of conformity, and from the moment of recruitment through induction and advanced training, military personnel have been conditioned to believe that these male traits and this concept of masculinity are desirable qualities. Hockey comments,

This self-image is one which combines traditional masculine values with a competence in the techniques of survival and liquidation. Recruits perceive themselves very much in the same fashion as the Corporal who saw that soldiers should be young and fit, rough and nasty, not powder puffs.⁸

3.3 Effects of Organizational Culture - Opposition to Homosexual Tendencies

One long-standing effect of the above interpretation of the desired qualities of the traditional military image, has been the opposition within the British military to any demonstration of homosexual tendencies. Those service

personnel who have shown a sexual propensity for persons of their own gender, have been thought to exhibit a pattern of behaviour which contradicts the conventional identification of the idealised self-image. They have been seen to be deviants and the military has persistently taken draconian steps to ensure that such individuals do not form part of the military organisation. This is not to deny that homosexuals were always found within military organisations. Nevertheless, deviant behaviour on discovery was always punished and the British military continues to exercise a policy of exclusion which contrasts markedly with the attitude towards the recruitment and retention of homosexuals adopted by other European armed forces.

3.4 Issues of Social and Legal Rights

Indeed, it has been claimed that current personnel policies breach legal and human rights. To take one example, it has been reported recently that in the Royal Navy, if officers suspect the sexual conduct of their personnel they can resort to invasive medical procedures in pursuit of their enquiries. It has been claimed that the legal basis of these procedures would be questionable if the United Kingdom possessed a Bill of Human Rights, and they in any case confirm that official policy is based on stereotypes and prejudice rather than well informed analysis. Thus Stonewall has reported that

'Experienced medics are told men suspected of being the passive partner in a gay sex act can be spotted by their feminine gestures, clothes and make up.

Senior officers are warned to be "on the alert" for servicemen who spend their time in clubs during shore leave as this is a tell tale sign.

And they are warned sailors could get involved in gay sex if they seek out the "haunts of civilian homosexuals" and accept drinks and hospitality from them.

The MOD tells the medics a thorough medical examination can be conducted immediately gay sex has taken place because "homosexual acts are not in themselves like threatening" but they are warned that "homosexuals are often the source of sexually transmitted diseases" and

that more than usual care is needed by the examiner'.⁹

In addition, it is claimed that a good deal of scarce resources are being spent on investigating the sexual orientation of personnel even when actual or supposed homosexual relations are taking place between consenting adults off duty and off base.

3.5 Difficulties in Assessing the Number of Homosexual Personnel Involved

In current circumstances, it is obviously difficult to establish the number of personnel in the UK services who experience the effects of current policy towards homosexuals, but it is interesting to note that 'gay rights' organizations have reported that many homosexual service personnel are, not surprisingly, reluctant to reveal their identity for fear of the consequences on their own careers and those of other personnel (comment from Rank Outsiders at press conference on 18 June 1993). However, given that current policy is geared to the assumption that homosexuality is incompatible with service life, homosexual personnel are denied the social benefits or rights that are available for heterosexuals such as pensions and housing benefits. Similarly, bearing in mind the number of personnel administratively discharged from the Service on grounds of homosexuality (225 over three years from all three Service 1989-91), it has also been argued that insufficient resources have been devoted to the resettlement of these individuals into civilian society.

Such personnel policies are thus rooted in deep rooted aspects of the organisational culture of the military. Whatever rules are adopted in regard to the homosexuality issue in armed forces, any departure from current practice must manage the process of change by addressing problems of organizational and cultural resistance within the services.

4. PROBLEMS

4.1 Social and Medical Problems

Having discussed the development of policy towards homosexuality in the armed forces and the rationale underlying it we now turn to the problems and controversies associated with the presence of homosexuals in the

British military. These can be analysed under two broad headings of social problems and medical problems.

4.2 Social Problems - Issues of Cohesion, Morale and Operational Effectiveness

The first issue arises from the status of the military as a disciplined organisation. It is thought necessary that there should be cohesiveness and a proper sense of purpose amongst a group of service personnel if their morale is to be maintained in adverse conditions. Intimate personal relationships, whether heterosexual or homosexual, may affect that sense of cohesion and coincidentally affect the morale of the group. At the same time, behaviour which affects traditional superior-subordinate relationships is considered to weaken the continuance of a preferred style of leadership which skilfully blends the exercise of impartial authority with the maintenance of a sense of group camaraderie. The enduring and primary relationship between leader and led, implicit in the term, are thought to be at risk from the presence of homosexuals within a military unit.

The critical issue is the maintenance of small group (unit) integrity and stability. The creation of a strongly cohesive unit is a major objective of many military training programmes. Cohesive units tend to discourage members from belonging to autonomous groups with possibly deviant norms or from exhibiting a pattern of behaviour which is considered to threaten the sense of cohesion. An important factor is the extent to which homosexuality whether overt or covert is deemed by group members to be "deviancy" or "threatening" behaviour. Hockey (1986) brings out very clearly the manner in which training practices within the British military bolster this sense of "belonging" to the small group. As has been noted, many of these practices reinforce the perceived link between masculinity and military effectiveness; this link becomes the very basis of cohesiveness. Whether this should or should not be so is irrelevant; what is important is the reaction of individuals within the group, a group which on the streets of Northern Ireland may be as small as the 'brick' of two men supporting each other on street patrol in a hostile environment. For these men, the critical variable is the ability to rely without question on the commitment of the other person, a commitment which is believed to be most evident in "a mate who is like I am".

4.3 The Problem of Violence and Assault

A second but no less important social problem is the violence and assaults which homosexuals may suffer. In the United Kingdom, as in most European countries, numerous incidents of anti-lesbian and anti-gay violence ("queer bashing") are reported. Similar assaults occur in military organizations and, as in the parent society, they may lead to the death of the victim. Whilst military law can deal with the problem of the assault irrespective of the sexual orientations of those involved in the incident, such violence has a negative effect on the discipline and cohesion of the military unit. In recognition of this, some European armed forces, notably the Scandinavian and Dutch have instituted major training programmes designed to change the attitudes of those who are instrumental in promoting such violence. There, however, seems to be little recognition within British armed forces of the problem of homophobic violence. The conclusion which is seemingly reached is that the way to avoid any potential problem is to remove the perceived cause of the problem. The exclusion of the homosexual reduces the possibility of tensions or acts of violence which adversely affect discipline, order, morale, trust and confidence among service members or impair the system of rank and command.

4.4 Harassment of Homosexual Personnel

A lesser form of homophobic violence is the sexual harassment to which individuals in the British military may be subject. A harassment Code of Practice, was adopted in November 1991 in the European Community along with a European Commission Recommendation advocating supporting action by EC Member States in this area. The Code aims to give "practical guidance" to employers, trade unions and employees on "the protection of the dignity of women and men at work". It seeks to "ensure that sexual harassment does not occur and, if it does occur, to ensure that adequate procedures are readily available to deal with the problem and prevent its recurrence". The Code notes that "some specific groups are particularly vulnerable to sexual harassment", and that research indicates that lesbians and gay men are among the groups especially at risk of such harassment. The Code adds: "It is undeniable that harassment on grounds of sexual orientation undermines the dignity at work of those affected and it is impossible to regard such harassment as appropriate workplace behaviour".

The extent, however, to which this Code of Practice is implemented within the British military is questionable. It would seem that policy continues to be based on the belief that the use of the normal legal process contained in the respective manuals of military law and exemplified by specific orders, regulations and instructions, is sufficient to deal with this problem.

4.5 Medical Problems and Operational Consequences

Social problems which centre around issues such as cohesion, discrimination, group solidarity and so on are primarily subjective in nature. A more objective issue which has to be faced by the British military is the operational consequences of recruiting and retraining homosexuals within the military. Armed forces have a responsibility to ensure that their personnel are medically fit to undertake operational duties. For that reason, the military sets health criteria which it regularly monitors whilst coincidentally establishing programmes of health care, the scope and nature of which far exceed the provision of civilian organizations. A rationale for this is derived from the nature of military service which may involve postings overseas at short notice under adverse conditions, even if actual combat is not involved.

Underlying this concern with operational efficiency is the conclusion that personnel with certain medical conditions pose a major risk. The nature of this concern is summarised by the New Zealand Defence Forces [NZDF] as "having in the body organisms capable of causing illness".¹⁰ This includes personnel who have such diseases or conditions as Acquired Immune Deficiency Syndrome [AIDS] and Hepatitis B or C. These illnesses can inadvertently be transmitted through unscreened blood transfusions. The risk of this occurring is much greater in the British armed forces than in the general community because of the very nature of operational military service. Under certain conditions, particularly in combat situations, every British service person is a potential blood donor for another. Whilst non-blood products are available for use in emergency situations, these are plasma expanders which, while they are acceptable in the short-term, do not replace blood. Consequently, there are two problems.

- ☐ The use of unscreened blood clearly presents a risk.

- Although rapid HIV testing has been developed for use in situations where conventional testing is not available, this is not appropriate for battle-field situations.

4.6 Policy Responses to Medical Problems

One solution is to submit all personnel to routine periodic HIV or Hepatitis B/C screening. This is expensive and there is a danger of false positive/negative results. Even so, it can be argued that personnel should be tested for operational reasons. It is to be noted that the medical fitness of personnel for overseas duty under United Nations auspices is governed by UN rules. Personnel must be tested before deployment and be HIV negative and Hepatitis B/C negative.

The British Government, however, has chosen to adopt a policy of recruitment and retention which seeks to minimize risk by excluding from military service certain individuals. Firstly, these will include those, who irrespective of their sexual preference, are unable to meet the stipulated criteria of fitness for military service. This will include military personnel who inter alia are infected with such diseases as AIDS, Hepatitis B and C and so on. This policy accords very closely with that adopted by other European states. What is more controversial is the second feature of British policy whereby homosexuals are excluded from the military because of their homosexuality per se. This policy differs markedly, for example, from that adopted in Denmark where it is argued that

“No specific health care initiatives are applied towards homosexuals. No military or civilian employees are requested to get an HIV test.”

The Danish argument is that this particular illness, in common with other illnesses such as cancer, will affect the ability of the individual to perform a given task. When individuals are medically unfit for service, the normal processes of care and consideration take place. No special consideration will be given to a particular illness:

“Denmark recruits soldiers even if they state that they are HIV positive or have AIDS. The only question asked by the military organisation is, “Are you ill?”¹¹

It can be argued that the British attitude in this context is contrary to those resolutions of the international community (eg Resolution 756 of the Council of Europe of 1 October 1981), which called on the World Health Organisation (WHO) to delete homosexuality from its international classification of Diseases. Policy in the United Kingdom, however, appears to be based on the argument that the potential consequences of the noted medical conditions are not determined by the sexual orientation of the person concerned, for both heterosexuals and homosexuals may contract these particular illnesses. The issue is essentially one of fitness for military service. Risk aversion theory would, however, suggest that the exclusion of homosexuals from military service would reduce the chance of a potential recruit or member of the military having, or developing, organisms that in causing illness, would render the individual medically unfit.

5. CONCLUSIONS

5.1 The Development of Policy and the Use of Evidence

It is the use of risk aversion theory which characterizes the attitude of the British Government to the recruitment and retention of homosexuals in the military. There is very little hard data to support the conclusions which are reached. According to Stonewall, although the Ministry of Defence has consulted the experience of other countries on the issue of homosexuality and the effectiveness of armed forces it

'has never produced testimony from any of these countries to say that they have experienced any of the hypothetical difficulties which the MOD insist would follow if lesbians and gay men were allowed to serve.'¹²

It is of particular interest to note that in the course of the Select Committee discussions, despite being repeatedly pressed on just this issue, the rationales and arguments outlined above concerning the negative impact of homosexual personnel on morale and discipline were defended by either anecdotal evidence or personal conviction.

It is not that these rationales are necessarily wrong or ill founded but rather that, in regard to this issue as well as gender integration, policy needs to be guided by social scientific analysis of the links between personnel policy and operational effectiveness.

5.2 Policy Changes in the UK Apparent or Real?

How much has British traditional policy changed? Clearly homosexuality has been decriminalised in the armed forces in the sense that homosexual activities of a type that are legal in civilian law should not constitute an offence under service law. This change echoes developments in other countries, not least the USA where developments are watched closely by MOD in formulating its own policy.

However, for the time being it remains the case that the MOD holds to the view that homosexual activities are incompatible with Service in the armed forces. Until the amendment to the Sexual Offences Act (1967) is implemented, decisions on the prosecution of personnel under existing legislation will be made on a case by case basis, presumably with the likelihood of prosecution being high only in the most serious of cases (as defined by the Service offences listed earlier).

To return to the distinction between disciplinary dismissals of homosexuals and administrative discharges, it remains the case that homosexuals will continue to be discharged on an administrative basis if they engage in homosexual activities, even if it is clear that no offence under service law has been committed. However, further policy changes are likely not least because of current developments in the USA. In any case, in view of the Prime Minister's announcement in 1991 that because of changes in social attitudes, homosexuality would no longer provide a bar to security clearance for members of the civil service, pressure groups such as Stonewall are now pressing for this policy to be extended to members of the armed forces.

5.3 Three Options for Change in the Future

Three policy options on homosexuality in the armed forces come to mind: (a) the reassertion of what might be called 'traditional institutionalism', by maintaining the existing 'gay ban' (b) lifting the ban and instituting full equality regardless of openly declared sexual orientation (c) a compromise along the lines of the Nunn 'Don't ask, Don't tell' scheme. This third option could either be a pragmatic solution for the indefinite future or linked with an explicit strategy of linking any shift in policy towards or away from (b) to the outcome of a systematic research project on the

relationship between homosexuality and operational effectiveness of military organizations.

We take the view that it will be difficult for the Services to adopt option (a) given the current general shift away from core institutional military values, particularly as reflected in gender integration. Turning to option (b), this would institute the concept of full equality regardless of sexual orientation but may well, at least at this juncture, pose too radical a change for the services given the series of other challenges they have to resolve whether in the human resources, technology or other fields. The question to be asked is would meeting the demands of one interest group be worth the disruption - or does this argument itself exaggerate the forces of resistance within the services? Option (c), as James Burk has pointed out, means that homosexuals by being forced to remain silent about their orientation, although they would not be quizzed on the subject, would be denied benefits that they would be able to receive if they were allowed to openly declare their identities and have them accepted by their employers.

Burk suggests that the 'Don't ask, Don't tell' compromise option could work from an administrative and disciplinary point of view if three rules were applied to sexual conduct in the services, whether or not it was of a homosexual kind.

'First, no unwanted sexual advances will be tolerated; Second, the norm of privacy will be observed - this means that homosexual conduct, or more generally oral and anal sex, will not be punished so long as it is done in private between consenting adults; and finally public conduct which demonstrably degrades unit effectiveness will be subject to administrative review and disciplinary action.¹⁴

Any sexually motivated act (whether of a homosexual kind or not) that demonstrably undermines the good order and effectiveness of a military unit would be subject to administrative or in serious cases disciplinary action, to be determined on a case by case basis. The mere indication of the presence of personnel who are homosexually inclined would not ipso facto be the cause of such an action.

5.4 The Context of Policy

The UK armed forces in transition. In all this, what needs to be remembered is that the British armed forces are going through one of the most dramatic periods of change in their history, with adjustments to a radically different post-Cold war strategic context being undertaken at the same time as, at least to some, a bewildering series of personnel and organizational changes in order to adjust to the social values and expectations of the nineties. The main problem is that these changes stemming from the external strategic environment and the domestic social structure are not occurring sequentially but simultaneously. As a result, the key problem is to create in quick time appropriate strategies of readjustment that do not damage operational effectiveness - or make the services feel that they are permanently under attack from outsiders who do not fully appreciate the strategic imperatives impinging on them - but at the same time do not undermine the supportive links between armed forces and society.

REFERENCES

- 1 A major review of information is the publication of the Stonewall group, a pressure group established to look after the interests of homosexuals who are members or former members of the British armed forces.
- 2 Report of the Committee on Homosexual Offences and Prostitution (the Wolfenden Report). London: HMSO, 1957.
- 3 Hansard, 17 June 1991, Vol 193, c. 115-116.
- 4 Annex B to the Report of the Select Committee on the Armed Forces Bill (1992). London, HMSO, 1992, p 14.
- 5 Hansard, 17 June 1991, Vol 193, c. 116.
- 6 *ibid*
- 7 AR 135-175. Separation of Officers; AR 135-178 Separation of Enlisted Personnel
- 8 John Hockey, *Squaddies: portrait of a subculture*. Exeter: Exeter University Press, 1986, pp 37-38.
- 9 Stonewall Group. Press Release, 14 June 1993.
- 10 Submission by Chief of New Zealand Defense Force (NZDF 1961 (12) to the Justice and Law Reform Select Committee, 16 March 1993, p 3.
- 11 Statement of the Danish Surgeon-General, Knud Jessen, *Ekstrabladet*, 7 February, 1993.
- 12 Stonewall Group, Press Release, 14 June 1993, p 3.
- 13 Report of the Select Committee on the Armed Forces, Bell, (1992). Hansard, 17 June 1992, c 629, 631.

Homosexuals in the Armed Forces of the United Kingdom

- 14 James Burk, Power, Morals and Military Uniqueness: Reflections on Banning Homosexuals from Military Service, (forthcoming in Society 1992 (USA)).

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

**HOMOSEXUALITY IN THE ARMED FORCES:
THE CHILEAN STANDPOINT**

Manuel Jiménez

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

1. Historical Account
2. Absolute Prohibition
3. The Insiders Problem
4. Future of Homosexuals in the Armed Forces
5. Conclusion

ABSTRACT

Chilean and other Latin American countries regard homosexuality in the armed forces with open rejection. This attitude is founded in the spirit of the law, moral precepts, tradition and the image of manliness. It is a reflection of traditional values and it is generally accepted.

Homosexuals have not become a pressure group and are not able to exert political or social influence. It seems very unlikely that they could reach the levels of influence they have gained in developed countries.

1. HISTORICAL ACCOUNT

Chile had the first permanent army in America. It was founded in 1600 and was financed by the King of Spain. The war against the indigenous lasted for more than three hundred years and the south of the country was a permanent garrison.

The "macho-man" concept is not the sole reason for the refusal of Latin American countries to accept homosexuals in the military. Each of these countries have had women as able to fight as any man, and as able to take such decisions in crucial moments. This is exemplified in the decisions taken by Inés de Suarez in the first years of the 'Conquista', or afterwards by Sergeant 'Candelaria' in the War of the Pacific. Female courage and casualties in Latin America wars, have been too great to let Chileans accept easily the picturesque, traditional image of the "macho male" in military matters.

The creation in the seventies of female military units in the Chilean army and in carabineros, with complete military training, let them play almost every military role assigned to their male counterpart. The popularity they enjoy among civilians, confirms that it is not the macho man archetype that moves society and the military against the idea to accept homosexuals into the armed forces

An alternative explanation of the refusal to accept homosexuals in the army, is the shared feeling that it is better to employ "straight" women and "straight" men than to adopt a half way situation in society at large and in the army.

2. ABSOLUTE PROHIBITION

Homosexuality in Chile and in almost all Latin America is decriminalized. Article 365 of the Chilean Civil Code, states that it is deviant conduct but at the same time states that it is not an offence. It becomes an offence only if the homosexual act is performed without the consent of one of the subjects involved in it; [in that case it constitutes the offence of sodomy.] The origin of these legal precepts are in the Belgian and Spanish civil codes which were accepted widely in Latin America.

The armed forces in Chile, including the police, do not have a formal policy laid down in written statements or a set of explicit rules, designed to reject homosexuals. Instead, they avoid recruiting them as conscripts or among their permanent personnel. In the recruitment process which involves officers, non commissioned officers and medical personnel in charge of selection, the slightest suspicion that

Homosexuality in the Armed Forces: The Chilean Standpoint

one of the candidates has homosexual tendencies, declares him "unfit for service". At this stage nobody can appeal against this administrative decision, mainly because the number of candidates is several times larger than the available positions.

At schools for officers, the examinations taken for admission are extensive and include a series of medical and psychological tests. Any of the candidates who is suspected to have homosexual tendencies will be rejected at that stage.

3. THE INSIDERS PROBLEM

The situation of permanent personnel can be considered under two headings: non commissioned officers and commissioned officers. The Armed Forces use administrative resources to deal with the former, applying a "catch all" article of the code of military discipline related to attempts against the prestige of the Armed Forces, and good social habits. The individuals suspected or proved to be homosexuals are discharged as soon as possible.

In regard to commissioned officers it is possible to distinguish two different ways of dealing with this problem. The first is related to the discipline code and the catch all article. The second is the discreet approach which consists in one or more of the fellow officers, privately asking the suspected homosexual to resign voluntarily. The more senior the commissioned officer is, the greater the possibility that this second device will be used.

4. FUTURE OF HOMOSEXUALS IN THE ARMED FORCES

This succinct description of how the military in Chile and in most of Latin America deal with the problem of homosexuals shows that homosexuality is not an issue, that policy and practice go together and that the rejection of homosexuals is clearly established and accepted among the military and the civilians.

This situation is thought to be permanent and there is no possibility to have it changed in the short or medium term. There are several reasons that allow us to state this fact:

- 4.1 There are no political pressures on the governments to accept homosexuals into the military. The gay community is apolitical or it is dispersed among the many political parties, a characteristic of political life in most of Latin America. This situation contrasts with two party systems in which it is

easier for a strongly united gay/lesbian community to negotiate directly or indirectly their support to one political candidate.

- 4.2 The Catholic Church rejected homosexuality and preached that it was a sin as stated in the Bible, although it has now adopted a more sympathetic attitude. However, this change is not so great as to be reflected in their parishioners. The attitude in Christians churches that follows the Gospels is still one of overt refusal to accept homosexuals and it still stigmatizes them. These churches have increasing influence in Latin America and will be active in rejecting homosexuals.
- 4.3 Society in Latin America at large is not ready, and does not want, to accept that gay/lesbian communities have special rights or privileges due to the mere fact of being gay or lesbian. Rejection of both is still strong, even when some organizations outside the gay and lesbian communities are calling for an increased understanding of the people with that kind of sexual problems.
- 4.4 There is a strong feeling in Latin America that homosexuals are not fit for certain professions, such as the military, clergy and teachers, because in those professions they might produce a deleterious effect in morale, or can produce a kind of contagion.

5. CONCLUSION

Latin American society assumes that homosexuality is disgusting and can not be treated as any sickness or a social problem. The effects of this attitude seems to be resistant to change and it is hard to believe that the military would be more sympathetic to a change in their policy and uses regarding homosexuality.

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

**HOMOSEXUALITY AND THE ARMED FORCES
IN THE NETHERLANDS**

**Evert Ketting
and
Klaas Soesbeck**

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

1. Introduction
2. Material and Methods
3. Results of the Survey
 - 3.1 Legal Rights
 - 3.2 Keeping a Distance
 - 3.3 Withholding Support
 - 3.4 Incidents
 - 3.5 Insecure and Aggressive Posture
 - 3.6 Related Patterns of Behaviour
4. Experiences of Gay and Lesbian Military Personnel
 - 4.1 Loyalty
 - 4.2 Sexual Identity
 - 4.3 Strategies of Self-Preservation
5. The Context and Consequences of the Distancing Tendency
 - 5.1 Self-selection on the Basis of Loyalty
 - 5.2 The Image of the Sexually Active Gay male
 - 5.3 Lesbian Servicewomen: First and Foremost Women
 - 5.4 Self-image and Self-presentation
6. Lessons for an Anti-discrimination Policy
7. Acknowledgements

References

1. INTRODUCTION

In recent years, the armed forces in the Netherlands have integrated many general social changes into their mode of operation. For example, draftees are no longer required always to be present at their unit, ship or base for 7 days a week and 24 hours a day. Unless duties demand otherwise, they may go home every evening just like other citizens. Special women's corps have recently been abolished, and women now form an integral part of the military enterprise. In addition, all branches of the armed forces pursue policies which actively aim to increase women's share in their activities. Fulfilling a career function in the military is much like holding an ordinary civilian job. The Netherlands' armed forces in peacetime can be compared, in many ways, to enterprises in the rest of society.

Another indication of the integration of aspects of social change into the armed forces is the opportunity to enlist men and women with a gay identity. This contrasts with the situation in neighbouring countries. For nearly twenty years, having a homosexual preference and/or lifestyle has no longer been a ground for disqualifying men and women from service. Furthermore, the Defence Ministry has expressed its determination that the functioning of homosexual men and lesbian women in the forces should not be impeded *because of their sexual preference and lifestyle*.

In 1990 the Dutch Defence Minister decided to commission a research project on the position of gay men and lesbian women in the armed forces. The political purpose of the project was to investigate the level of discrimination against servicemen with homosexual and lesbian preferences, in order to decide on the need for anti-discrimination policies and to develop and direct programmes aiming at full integration of homosexual men and lesbian women in the forces.

The main objective of the study was to investigate whether there are discriminatory tendencies and/or practices against individuals with homosexual feelings, and whether such practices affect their functioning. The study also looked at the background of discriminatory attitudes and behaviour. This paper summarizes the main findings of the study.

2. MATERIAL AND METHODS

The study was carried out by the Netherlands Institute of Social Sexological Research (NISSO) in collaboration with the Department of Gay and Lesbian

Studies, University of Utrecht (IWH). It consisted of two complementary parts, looking at the attitudes and behaviour of servicemen and women towards homosexuals, and at the experiences of homosexual servicemen and lesbian servicewomen of being the object of discrimination.

A self-administered questionnaire was developed for the first of these objectives. After having been tested and revised in a pilot study, it was filled in by representative samples of 1238 male and 149 female military personnel. Thirty-seven units in the armed forces were randomly selected, and the questionnaires were filled in in groups of about 30 people each, at the military bases. Two members of the project team directly supervised this procedure, explaining the purpose and organization of the study, and safeguarding the anonymity and confidentiality of the data gathering process. Because this procedure did not provide the required number of female respondents (women make up only 5% of the armed forces) an additional 120 women received the questionnaire by mail, 82 (68%) of whom returned it. The response rate in the group procedure was extremely satisfactory. Only 8 respondents (0.6%) refused to take part. Another 26 respondents (1.9%) failed to fill in the questionnaire fully or seriously, rendering an overall non-response rate of 2.5%.

The second part of the study consisted of semi-structured in-depth interviews with gay and lesbian women in the armed forces. Originally, 125 interviews were planned, but it turned out to be rather difficult to find respondents and get their permission to take part in the study. In particular, young enlisted personnel were very hard to find. Using a wide variety of approaches, 49 homosexual men and 16 lesbian women were finally interviewed. These two samples cannot be considered to be representative of gay men and lesbian women in the Dutch armed forces, not least, because nearly all of them were officers or NCO's.

3. RESULTS OF THE SURVEY

3.1 Legal Rights

What are the opinions of enlisted personnel regarding the rights of homosexuals, and do these differ substantially from those of the civilian population?

Table 1 presents the results of our survey and comparable results taken from a national sample survey of the general population that was carried out during the same year (1991).

Table 1
Rights of homosexual men and lesbian women; opinions in the general population and the armed forces (percentages agreeing with statement)

	Men		Women	
	Nat.	A.F.	Nat.	A.F.
Homosexuals should be left free as much as possible	94	88	95	99
Homosexual couples should have the same rights as ordinary couples regarding:				
- housing	88	83	91	100
- inheriting from one another	90	87	95	99
- adopting children	45	24	51	54

Nat. = National survey

A.F. = Armed Forces

Male and female military personnel affirm the civil rights of gays and lesbians (for example, unrestricted rights to living accomodation) to a similarly high degree to the general public. An exception, however, is found in the case of the doption of children by a homosexual man or woman. On this point, military men are noticably less tolerant than the population at large. The norm of equality for homosexuals is significantly stronger among women than men in military service. Similarly, in the general population women are more tolerant of gays and lesbians than are men.

3.2 Keeping a Distance

If gay men and lesbian women are to function adequately in the armed forces, then it is not only tolerance at the societal level which is needed. Above all, there must be *acceptance* at the levels of social interaction and individual sensibility.

Our respondents were given a list of statements designed to measure their *behaviour and behavioural intentions* with respect to homosexual and lesbian colleagues. The statements dealt, for example, with how the respondent would react if a homosexual offered him or her a drink, sought eye-contact, or put an arm around him. While the first of these actions was generally acceptable, eye-contact provoked irritation in most cases; and the response to physical contact was one of anger in nearly half the respondents.

Table 2

Acceptability of behaviour of homosexual/lesbian colleagues (%)

Behaviour	Men		Women	
	dislike	get angry	dislike	get angry
Offers me a drink	11	1	2	-
Starts a conversation with me	15	2	1	-
Seeks eye contact	66	16	51	1
Puts arm around me	46	49	54	21
Wants to make love to me	12	88	23	75

The general pattern of behaviour in the armed forces is one of maintaining a social as well as emotional distance. Males are considerably more prone to stay aloof from homosexuals of their own sex than are females. The more the contact with gay or lesbian colleagues is of a personal rather than a functional nature, the stronger this distancing tendency becomes, among both men and women. It is manifest in all branches of the forces, with no significant variations. The only important difference which is found is one between men and women. Women are considerably less inclined to dissociate themselves from homosexuals of the same sex than are their male counterparts.

The compatibility between homosexuality and working in the armed forces was investigated by means of a set of items on two issues: whether homosexuals are acceptable, and whether they are suitable to be commanders. The items turned out to constitute one scale, which we refer to as "social distance toward homosexuals".

Table 3
Social distance towards homosexual/lesbian colleagues (% agreeing with statement)

	Men	Women
Don't like to share room with h/l	54	22
Don't like several h/l's in my unit	49	18
Prefer heterosexual doctor for consultation	48	24
Don't mind going out with h/l (+)	47	22
Wouldn't seek contact with h/l	44	11
If forced to share tent with h/l would make perfectly clear I don't want him/her	42	15
Would choose heterosexual to sit next to	39	9
H/l's are fit for important positions in Armed Forces (+)	36	25
H/l's are not fit to work in Armed Forces	29	3
Would avoid collaboration with h/l	25	3
Would not spontaneously help h/l sergeant	23	3
Would gossip about high ranked h/l	3	2
Would do less for h/l commander	14	2

h/l: homosexual/lesbian (+) percentage disagreeing

The female respondents scored considerably lower on this scale than their male colleagues.

It is note worthy that gay and lesbian colleagues are much more often kept at a distance than are those from ethnic minorities.

This rather widespread tendency to keep gay and lesbian colleagues at a distance also reveals itself in respondents' views of which behaviours are permissible in everyday situations. Respondents do not just keep their distance, they also enforce *more narrow behavioural limits for homosexual* than for other colleagues. Putting an arm around a buddy, for instance, is said to be not uncommon in the military; but such friendly behaviour is hardly appreciated when coming from a gay colleague.

Both male and female military tend to interact rather formally with gay and lesbian colleagues. This mode of associaton is much more prominent among men than women.

2.3 Withholding Support

Does the maintenance of distance, the enforcement of stricter norms, and restricted patterns of formal interaction mean that homosexuals and lesbians must do without the support of their heterosexual colleagues?

The answer is 'yes'. Respondents were asked what they would do if a homosexual/lesbian colleague faces difficulties because of his/her homosexuality. The results are presented in Table 4.

Table 4
Intended support to homosexual/lesbian colleagues (% agreeing)

	Men	Women
I would support unconditionally	22	38
I would support only if it doesn't harm me	40	55
It's unpleasant for him/her, but I wouldn't do anything	30	7
It's his/her own fault: he/she should have known	8	-

Only a small minority of respondents are willing to give unconditional support to gays and lesbians: that is to say, - even if that could have negative consequences for themselves (22% of the men and 38% of the women).

When aggressive incidents occur, in which someone is a victim because of their homosexuality, only a small minority would attempt to take the victim's part. "I wouldn't want to get involved" seems to typify the prevailing attitude. Twenty-five percent of the men reported having been involved in such incidents. Of these 62% had merely looked on, and 13% had taken the victim's part. Women seem to be more prepared to give support. But in view of the 'solitary positions' which women in the services generally occupy, their chances of actually being confronted with the victimization of a lesbian colleague are small. Their statements about supporting a lesbian in difficulties are probably of a rather hypothetical nature.

3.4 Incidents

Respondents reported that violent incidents regularly occurred in which someone suffered from aggression related, at least in part, to their homosexuality. All told, more than a quarter of the men had experienced acts of verbal aggression such as ridicule and insults, harassment such as spraying with water, and violence hitting and kicking. In these incidents, homosexuality played a role. Thirty per cent of the female respondents had experienced a similar instance in which a woman was the victim - though in only a few cases did lesbianism play a role.

3.5 Insecure and Aggressive Posture

What is the attitude towards homosexuals in general? It seems that an appreciable number are at a loss to know what their position is; while others harbour feelings of aggression. Thirty-six percent say that they do not know how to behave towards a homosexual acquaintance; 25% feel sick if they hear someone talking about homosexuals; and 9% feel like beating up such people. Taken together, 7% of military personnel have a high, and 23% a medium score on the anti-homosexuality scale.

The prominence of negative attitudes seems to be related to the extent to which negative or aggressive statements about homosexuals are heard in the unit.

The attitude of women towards lesbians is somewhat more positive: 17% say that the thought of them makes them feel sick and 10% have aggressive feelings towards them.

3.6 Related Patterns of Behaviour

A number of tendencies described earlier appear to be closely related: keeping your distance if you know or presume someone to be homosexual (66% of the men adopt this attitude); wanting to react with hostility or aggression if someone turns out to be homosexual (30% of the men express such an attitude); and not providing support when another encounters difficulties due to his homosexuality (more than half react passively, and 25% to 35% join in heckling or violence). The pattern of distancing seems to have a structure and articulation which reveals itself in ascending gradations of distance, aversion and aggression. The violent incidents are surface manifestations and symbols of underlying attitudes. They derive from them, and in turn they validate and reinforce them.

This pattern can be clearly seen in the group nature of such incidents: servicemen join in or look on, and only a small minority offer resistance and try to intervene. The prevailing conversational climate in servicemen's groups is consistent with an anti-homosexual attitude: 50% of the male respondents report that they sometimes or often hear degrading remarks about homosexuals. Incidents of explicit, verbal or physical aggression are eruptions of hostility which are sustained by the lack of involvement of the other men. The symbolic effect of the incidents is preserved as long as they go unpunished, or are punished as mere incidents (overstepping the line, "boys will be boys", etc.).

Informal group leaders play a distinct role in originating and sustaining anti-gay pronouncements, and hence a climate of hostility. Non-commissioned officers perpetuate this group climate, indirectly by non-intervention, but also directly by contributing anti-homosexual remarks of their own. All these observations underscore the need for anti-discriminatory action.

4. EXPERIENCES OF GAY AND LESBIAN MILITARY PERSONNEL

The in-depth interviews were intended to provide an insight into the extent to which homosexual personnel are able to hold their own in an environment where they are kept at a distance and which is often negative; and into the strategies which they adopt.

4.1 Loyalty

One might reasonably expect the homosexual and lesbian respondents to be highly dissatisfied with their working environment. But the opposite is the case. Not one of those interviewed expressed any disloyalty to the armed forces or to their unit. Apparently, loyalty is a fundamental attitude, a precondition for sustaining an enduring interest in a military function. Showing this loyalty is one way of holding your own as a gay or lesbian military. Three aspects of loyalty can be distinguished: endorsement of the formal demands of military service, personal dedication to those formal demands, and acquiescence in the male heterosexual culture.

(a) The Endorsement of Formal Demands

Respondents do not contest that certain strict mental and physical demands must be met in order to fulfil the military function.

(b) Personal Dedication to the Formal Demands

A second way of showing loyalty is by way of individual dedication to the organization's formal demands. By this means, one demonstrates openly that one is doing everything possible to be a "normal" military. Such personal dedication exacts a high level of exertion and perseverance from gay and lesbian soldiers; and especially from lesbians, both because of their status as women and because of their usually solitary position within their unit.

(c) Acquiescence in the Male Heterosexual Culture

Despite the integration of women, the armed forces remain a male-dominated environment. And despite the integration of homosexual

men and lesbian women, forms of social interaction which serve to exclude them still predominate. A third way of showing loyalty is to concede that the prevailing culture must be taken for granted. It is accepted that one is working in surroundings where male values and conventions prevail.

4.2 Sexual Identity

Both men and women in the forces are engaged in a strategic management of their sexual identity. Sexual preferences and lifestyle need not be an explicit part of their social identity. Homosexual men and lesbian women do not entertain high hopes of being accepted by their colleagues. Mostly they are satisfied if they do not encounter negative reactions.

Three types of strategy for identity management can be distinguished: masking, selective openness, and full openness. Individuals can, of course, change strategies in the course of their careers. However, it would be virtually impossible to apply a masking strategy in a new environment, after having chosen one of openness in a previous post. The news will travel ahead of the individual.

(a) Masking

This implies a constant monitoring of information about oneself. Various forms of camouflage are possible. For example, in addition to keeping one's private life totally secret from workmates, one can also make sure that one talks and behaves just like them. The aim, above all, is to avoid colleagues learning about one's gay identity, for fear of stigmatization or exclusion. The price paid is a harsh emotional conflict.

(b) Selective Openness

Reticence is the hallmark of this type of identity management as well. In the job environment, presenting oneself "naturally" as a gay man or lesbian woman is not judged to be a feasible option. Only in special circumstances, and then usually because one feels obliged to tell friendly colleagues something of one's private life, are they

confided in. It is tacitly agreed that the colleague will not broadcast the information: after all, homosexuality is “nothing to make a fuss about.”

(c) **Full Openness**

In this case, there is a belief that one should practice complete unrestricted openness and honesty towards colleagues about one's sexual preferences and identity.

4.3 **Strategies of Self-preservation**

In view of the perceived attitudes of their colleagues, gay and lesbian military personnel will need to develop and apply *self-preservation strategies* in order to be able to function “normally”. We identified the following strategies: total submission, constant alertness, and critical detachment.

Because of the qualitative and non-representative nature of our data, it is not possible to determine which strategy is employed most often. However, considering the social distance observed toward homosexual men and lesbian women in the services, as well as the very small number who are members of the Foundation for Homosexuality and the Armed Forces, the first two strategies can be expected to be more usual than the last one. All three involve a clear element of stress.

(a) **Total Submission**

Those who adopt this strategy see the armed forces above all as a ‘greedy’ institution. They take for granted and internalize fully the values, norms, and rules of behaviour which they perceive to be dominant. Survival means a life of full and intense commitment to the services. This extreme sense of loyalty leaves individuals with no room for expressing divergent behaviours, ideas and sentiments. It is virtually impossible for them to be open about their personal lives and inner feelings. Not surprisingly, this type of self-preservation strategy produces considerable personal strain.

(b) Constant Alertness

With this strategy it is also accepted that specific job-demands exist in the armed forces and that the prevailing norms, values and behaviours are set by heterosexual men. But neither the demands nor the prevailing atmosphere are experienced as monolithic or immutable. Those choosing this strategy are able to create opportunities for letting their "deviant" sexual preference and lifestyle be known in the workplace or to a few selected colleagues. However, they are forced to stay constantly alert. They can never rule out the possibility that once such openness is practiced, it will take on a life of its own. Upon transfer to another unit, the news of their sexual preference may travel ahead of them.

(c) Critical Detachment

The armed forces are viewed as an employer, albeit an exceptional one. Like other employers, it places specific demands on its employees. All military personnel are expected to meet these demands. Although loyalty to the employer goes without saying, it does not mean that one cannot assume a permanently critical stance toward him. Anyone who chooses this viewpoint will adopt an explicit and assertive position as regards their homosexuality. Of their own volition they tell others about their preference or demonstrate it openly in casual remarks - for example, about attractive men. They are prepared to face the consequences and to take on any confrontation with colleagues.

5. THE CONTEXT AND CONSEQUENCES OF THE DISTANCING TENDENCY

5.1 Self-selection on the Basis of Loyalty

We have identified a broad tendency within the armed forces to keep homosexual men, and to a lesser extent lesbian women, at a social and emotional distance. Though, in a formal sense, the Netherlands' military opened its doors to homosexuals as long ago as 1974, in a cultural sense the door is still all but closed. When it comes to personal feelings and everyday interaction, an equivocal message hangs above the door: "Do

come in, but know your place.” Women and homosexual men are tolerated so long as they do not disturb the prevailing order, which is governed by traditional ideals of masculinity. The potential for disturbance is clearly sensed in the military. As a result, women and gay men are given to understand that they had better lie low. And many of them do. They hide or mask their sexual identity, evolve survival strategies, and conform to the dominant culture. Only a few venture onto the barricades. They survive in part because of their high degree of loyalty to the armed forces as an institution. But as an everyday working environment, the armed forces can be an unattractive place for them.

Why then do we find any gays and lesbians at all in the armed services? If the environment there is so anti-gay, why do they enlist? Why do they stay, when they come up against often subtle and covert modes of rejection? Are we dealing here with a limited, exceptionally motivated group?

Draftees have no real choice: they have to join. Though alternatives to service are available and the draft can be avoided, we found no evidence that homosexuals follow this path on a large scale. In our survey, no fewer men with a gay identity were found among draftees than among young men of the same age in the general population³. But considerably fewer career men were found who have homosexual feelings or experiences than in the population at large (see Table 5).

Table 5
Indicators of homosexuality in the Armed Forces and in the general population (%)

Indicator	Males		Females	
	AF(2)	Nat	AF	Nat(1)
Ever been in love with same sex	1.7	6.9	4.8	3.0
Sexual contact currently with same sex	1.9	6.0	4.8	-
Sexual contact ever with same sex	4.5	12.1	4.8	4.0
Self-defined homosexual/lesbian	0.1	4.4	3.5	0.4

Source:

- (1) Zessen, G. van, T. Sandfort, Seksualiteit in Nederland. Seksueel gedrag, risico en preventie van AIDS (Sexuality in the Netherlands. Sexual behaviour, risk and AIDS prevention), Swets & Zeitlinger, Amsterdam/Lisse, 1991.
- (2) Only > 21 years.

There are two possible explanations for this last finding. It could be that there are more homosexuals, but that they more or less consciously avoided being included in the sample; or that they did not wish or dare to answer the questions honestly. Or it could be that there are indeed relatively few career men who have had homosexual feelings and experiences.

There are good arguments for both these explanations. That some wanted to avoid participation in the study is possible in the light of the isolation and masking strategies used by homosexuals. But it is equally plausible that there is a relatively small number of homosexuals in the armed forces. Until 1974, homosexuality was a formal ground for exclusion. Any homosexuals choosing a military career before then must have been very highly motivated. Although one could hypothesise that the armed forces were perceived by homosexuals as an attractive male world, which gave them an extra motivation to enlist, no support for this idea is found in the interviews. Some of those who did enlist may, of course, have only later become aware of their homosexuality; and homosexuals probably resigned early on. The severe psychosocial and emotional problems faced by homosexuals in the military, which can go so far as suicide, have caused many to give up their career ambitions. Although we asked no specific questions on this, the general tenor of the findings certainly makes this explanation plausible. But even after formal barriers were removed in 1974, the military did not immediately lose its anti-homosexual atmosphere. Obstacles to enlisting undoubtedly remain for homosexuals.

Against this background, it is reasonable to expect that only the most highly motivated homosexuals will have chosen a career in the armed forces and persisted in it. We therefore assume that there is a positive self-selection by those who have a high degree of loyalty to the military institution. This assumption is not only a plausible, partial explanation for the relatively low proportion of homosexuals in the survey; it could also explain why those whom we did encounter expressed such a high degree of loyalty.

In the case of women, very different mechanisms appear to be at work. An institution such as the armed forces, so strongly dominated by men and by traditional masculine ideals, would not be attractive to women who adhere to traditional ideals of femininity. The military image is more likely to appeal to women who are independent, career-oriented, and adventurous. Recruitment campaigns place a strong emphasis on these qualities. It is an image which is not likely to deter lesbian women. Our findings suggest that lesbian women are more strongly represented in the services than in the general population.

5.2 The Image of the Sexually Active Gay Male

The desire of servicemen to avoid homosexuals has both a cognitive and an emotional background. Our survey data clearly indicate that gay men are in part perceived as "effeminate" and to a larger degree as "sexually promiscuous". A homosexual is, in the eyes of most servicemen, someone who is sexually active, behaves like a woman and is out to seduce, even non-homosexual, men. Their image of him is sexualized: he is seen first and foremost as a sexual being. That image in itself is enough to prompt them to keep their distance. But, at the same time, the image intensifies any anti-homosexual feelings they may already harbour, ranging from uncertainty as to how to behave toward such a person to undisguised aggressiveness. Such emotions give them an extra impetus to shun gay colleagues.

In practice, the predominantly sexual image of the gay man ("that's somebody who could try to get off with me") means that other men try to avoid him most vigorously in situations which readily lend themselves to being sexualized: showering together, undressing at night, sleeping together in a tent, or being examined by a gay doctor. In circumstances such as these, proximity means potential sexual closeness.

Anti-homosexual feelings threaten to turn into open reactions. Gay servicemen made clear in the interviews that they are well aware of these reactions. It is in these very situations that they are most likely to opt for self-imposed isolation. Should they not choose to isolate themselves, they will be encouraged to do so by more or less explicit hints.

The tendency of servicemen to see behaviour or situations such as putting an arm around someone or sleeping together in a tent as having sexual connotations, and especially their expectation that gay colleagues will do so, raises a dilemma for policy makers. Should they accept this as natural,

inevitable, and legitimate? In other words, is the soldier who refuses to sleep in a tent with a gay colleague justified? He may be anxious, and afraid of unwanted sexual approaches. But should such an unwanted overture be suggested, it can be warded off with little trouble or embarrassment. Should actual sexual harassment take place, it can of course be dealt with by the military authorities. A decision to recognize fear of homosexual overtures as legitimate would stimulate and strengthen the very biases which anti-discriminatory policy aims to combat.

The results of our survey indicate that non-commissioned officers regularly reinforce the tendency to social distance by making hostile remarks about gays. Such remarks influence the atmosphere in a unit, making enlisted men even more prone to show such hostility. The atmosphere, which is not only determined by the officers' behaviour, reflects the intensity of anti-homosexual sentiments of enlisted men, and lends approval to the dominant images and negative attitudes.

Following Coser (1974) ⁶ we see the armed forces as exhibiting features of a 'greedy' institution. Such an institution strives to gain the exclusive and undivided loyalty of its members, while weakening any claims made by competing roles or statuses. In contrast to 'total' institutions, which rely on physical isolation, 'greedy' institutions primarily make use of symbolic boundaries between members and non-members. Coser shows that sexuality within the bounds of such a 'greedy' institution tends to be viewed as a threat to the total allegiance and devotion which is demanded of its members.

The hypothesis that the presence of women in a unit should have a tempering effect on the rejection of homosexuals was not borne out in this study. This may be because their presence carries little weight in either a numerical or a psychological sense - they, too, tend not to be accepted.

5.3 Lesbian Servicewomen: First and Foremost Women

The armed forces are a community and culture dominated by men: women and femininity are basically not accepted. About two-thirds of the men do not value women's presence. The correlation between non-acceptance of women and of homosexuals is a further sign that both are shunned because they represent 'the feminine' and because they evoke sexual associations.

The sexual preference of gay men is often seen as disqualifying them from a job in the military; whereas lesbian women appear to be disparaged more because they are women than because of their sexual preference. Their first concern, then, is to be accepted, in spite of their gender and not in spite of their sexual orientation.

Women who do maintain a distance from lesbians give different reasons for doing so than do males who avoid gay male colleagues. The indications are that this is linked to the dominant male culture, to which women tend to conform in order to promote their own acceptance in that culture. As a small minority, women are relative outsiders who must fight their way into the existing order. Young women, in particular, often perceive lesbians as 'anti-male', though men do not consider gays to be women-haters. Being 'anti-male' in a male-dominated environment is regarded as an attack on the existing order. A woman wishing to be accepted into that order must not identify with such an attitude.

Several interpretations can be offered for the finding that lesbians are more readily accepted by their female colleagues than are gay men by male colleagues. First, as a small minority of outsiders, women in the armed forces are more strongly given to accept and support one another, regardless of sexual preference. Second, women occupy rather solitary positions in the services: they will rarely be confronted with lesbian colleagues. Third, women in general are less preoccupied with sex: someone's sexual preference is simply less relevant.

A noteworthy finding was that the tendency to avoid homosexuals was considerably stronger than the tendency to keep one's distance from colleagues of ethnic minorities. This was true of both men and women. This could be yet another indication that the perceived sexual nature of homosexual men and women may raise peculiar sensitivities.

5.4 Self-image and Self-presentation

The behaviour of gay men and lesbian women is largely characterized by a tendency to conceal or mask their own sexual preference and to view sexuality as a strictly private matter. To understand the basis of this behaviour, it may be helpful to consider three fundamental aspects of identity that are at issue: military, gender, and homosexual/lesbian identity.

As far as his functioning within the services is concerned, the gay male puts his military identity first. He wishes to see himself as a fine and loyal military, and not as a deviant individual. The identity of 'good military' tends to be strongly associated with that of 'man', and homosexuals also appear to have internalized this image. They, too, wish to be 'men'. The homosexual soldier eschews every association with 'effeminacy' or 'camp'. The third identity, 'homosexual', is not emphasized at all. It is kept hidden. If it is made known openly, it is designated as a strictly private matter. This third identity is often firmly trapped under the other two.

His colleagues, however, rank his identities in a very different order. Once he is a known homosexual, albeit within a limited circle, his homosexuality then becomes his primary identity in the eyes of others.

Risking oversimplification, we would argue that the male homosexual wants to see himself as 1. military, 2. man, and 3. homosexual. His colleagues see him as 1. homosexual, 2. military, and 3. man. This discrepancy between the ideal self-definition and the dominant definition by the environment spells trouble for the homosexual. The homosexual is now faced with the task of reconciling his individual identity with his social identity. To this end, he can draw on three strategies.

The first is to accept the definition of the environment. That means explicitly coming out as a homosexual ("let them go ahead and see me first of all as a homosexual"), while at the same time demonstrating that he can nevertheless be a good military and can even manifest very manly behaviour. Those choosing this strategy are forced to invest a good deal of energy in fighting the stereotypes.

The second strategy is to conceal the conflict. This means living a double life, in which homosexuality remains entirely in the private domain and the homosexual identity is concealed or denied at work. With this strategy, much energy is spent on keeping the two domains separate and on learning to swallow all sorts of anti-gay remarks.

Both strategies were found to be used by homosexuals in the military. We also found an intermediate form, in which homosexual identity was made known to just a few intimates. This approach appears unstable, however, as it tends towards a forced adoption of the first strategy.

A third strategy can be conceived of only in theory: as yet it can not be successfully used by an individual in practice. It consists of making the environment take on the ideal self-definition: first military, then man, and in the third place homosexual. The implication is that homosexuality is virtually irrelevant to being a military. To apply this strategy individually is not possible; it is not in the power of a single individual significantly to alter a collective definition which is constantly being reconfirmed in numerous ways. The strategy can only be attained through active emancipation movements and specifically-designed policy interventions.

To a certain extent, the concerns of lesbians are analogous to those of their male homosexual colleagues. But there are two essential differences. In the first place, the definition by the environment which is significant for their identity is not so much that of other women, but that of male servicemen. Lesbians must show their worth in a community of males. In the second place, having chosen 'military' as their primary identity, they see that identity threatened not so much by their lesbianism as by the fact that they are women. In the interviews, lesbian servicewomen even pointed to a certain social indifference to their lesbianism. For individual lesbians it can be a problem how open they wish to be about their lifestyle. But the collective definition makes lesbians no less fit for military service than other women.

6. LESSONS FOR AN ANTI-DISCRIMINATION POLICY

The following points which are relevant for working out an anti-discrimination policy emerge from the research.

- 6.1 Formal discrimination and aggressive anti-homosexual behaviour occurs to a limited extent. The main problem is not so much active intolerance, but a 'distancing' which can probably be readily sensed and which is combined with negative labelling and other expressions of negative attitudes. The consequences of this for the well-being and on-the-job functioning of gay men and lesbian women in the services are much greater than many would suspect at first sight.
- 6.2 The tendency to keep gay and lesbian colleagues at a distance and the existence of negative attitudes and actions are not confined to certain categories or groups within the services. Nevertheless, they are

encountered in some groups or units noticeably more often than in others. Active influence exercised on officers and NCOs, for example through in-service training and instruction, could be most useful in teaching them to how to deal with discriminatory comments and behaviour.

- 6.3 In the light of a general relationship between distancing, aggressive attitudes, and acts of discrimination, action needs to be taken to prevent them being seen as isolated and individual incidents. They should be treated, both in correctional proceedings and in the context of more general measures, as symptoms and symbols of an anti-homosexual bias which is present among a large part of the male personnel.
- 6.4 Stereotyping images of, in particular, homosexual men can lead some military personnel to escalate distancing into actual isolation. For example, a request may be made for a homosexual colleague to be transferred to another department; or his life may be made as difficult as possible. Conceding such requests or showing some understanding for those who discriminate, seriously undermines any anti-discrimination policy.
- 6.5 If someone imagines, or actually is addressed or approached in an erotic manner by a homosexual colleague, this can never be an admissible ground for social isolation or discrimination. Everyone, heterosexual and homosexual, is free to make advances, as long as the other has the right to refuse the advance and to ask to be spared any repetition in future. Any possibly embarrassing situations should be handled in accordance with prevailing social and socio-sexual rules of conduct.
- 6.6 Contrary to what is sometimes expected, the presence of women in a military unit has little influence on the position of gay men. There are few women (they constitute some 5-6% of the armed forces); and because they are so few, they tend to conform to the dominant ideology of masculinity. Though the influence of women could conceivably increase, there would need to be many more of them.
- 6.7 An anti-discrimination policy should preferably not be extended to include 'positive discrimination'. In the interviews, gays and lesbians were afraid that this would place their sexual preference at the centre of their identity, which was precisely what they did not want to happen.

The question remains as to how a process of change can be set in motion. Women and gays are still relatively new categories within the armed forces. They have to fight their way into a culture where they are not yet entirely welcome. They need a platform. The Foundation for Homosexuality and the Armed Forces has pioneered the struggle in the Netherlands. Its work could now enter a new phase, in which the focus shifts from providing individual aid to promoting collective interests. The time may now have come to regard homosexual men and lesbian women not as individual problems, but as signs that change is needed in the general attitudes of military personnel.

7. ACKNOWLEDGEMENTS

The authors are grateful to the other members of the research team for their contributions to the project. These are: John Angenent, Jeanette Geerlings, Ruud de Jongh, Ronald Han, Anne Kersten, Hessel Zondag and Willem Zijlmans. Furthermore they are indebted to Cees Straver for his advice given during the project, and to Peter Stringer for his comments to earlier drafts of this article. Finally they are grateful to the member of steering committee and its chairman Gerjo Kok.

REFERENCES

- 1 E Ketting and K Soesbeek (eds), Homoseksualiteit en Krijgsmacht (Homosexuality and the Armed Forces). Eburon, Delft, 1992.
- 2 Sociaal and Cultureel Planbureau 1992 (unpublished data).
- 3 Vogels, T., R.v.d. Vliet, Jeugd en Seks. Gedrag en gezondheidsrisico's bij scholieren (Youth and Sexuality. Behaviour and health risks among secondary school students). SDU, Den Haag, 1990.
- 4 Coser, L.A., Greedy Institutions, Free Press, New York 1974.

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

HOMOSEXUALS IN THE BELGIAN MILITARY

Philippe Manigart

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

Introduction

1. Societal context

- 1.1 The legal situation of homosexuals in Belgium
- 1.2 Public attitudes towards homosexuals in Belgium
- 1.3 Opinions of young Belgians on homosexuals in the military

2. Policies towards homosexuals in the Belgian military

- 2.1 Past and present
- 2.2 Parity of civilian and military law
- 2.3 Screening and admission
- 2.4 Retention and discharge

3. Practices

- 3.1 The notion of proper conduct
- 3.2 Practices concerning HIV-positive personnel

4. Problems

- 4.1 Forms of discrimination against same-sex couples
- 4.2 Life experiences of homosexuals in the Belgian military
- 4.3 Attitudes of heterosexual personnel towards homosexual colleagues

5. Conclusion

References

ABSTRACT

The article concentrates on the policies and practices of the Belgian military towards its gay or lesbian military personnel. Policies and practices towards homosexuals in the Belgian armed forces have evolved. This evolution runs parallel with the evolution in the civilian sector, with a delay. Homosexuality is now tolerated in the civil service, and thus in the military as well, to the extent that, in Belgium, laws and regulations applicable to the civil service apply automatically to the military. This means that, in Belgium, there are no special written laws, regulations or rules discriminating against homosexuals in the military. Open homosexuals who clearly separate their private and professional life have generally nothing to fear. Their way of life will lead neither to discharge nor mutation. Only those who sexually harass their colleagues or have grave psychological problems are subject to specific measures: mutation or discharge through medicalization of the problem. The policy of the Belgian armed forces towards homosexuals can be summarized as follows: status equality. As far as practices are concerned, they are characterized by the following principles: tolerance, pragmatism and it belongs to the private domain (it is not the Army's business).

The article also analyses problems encountered by homosexuals within the Belgian military. It presents data on the attitudes of heterosexual soldiers towards homosexual colleagues and on attitudes of the Belgian population towards homosexuals in the military.

Data used in the paper are based on interviews of gay and lesbian military personnel, role plays, interviews of military officials and public opinion data.

INTRODUCTION

To the extent that military organizations are open systems, it follows that they are largely shaped by their host society and that they are responsive to changes which take place in their environment.. Consequently, the departure point of any analysis of the integration of homosexuals into military organizations must begin with an examination of the societal context. How is homosexuality viewed in Belgium? Is there an evolution of public attitudes towards acceptance of same-sex relationships, rejection of anti-lesbian and anti-gay discrimination and tolerance towards some lesbian and gay lifestyles? One would hypothesize that, in the absence of such an evolution, the traditional "macho" culture of the military would prevail and homosexuals would be barred from the military. If, on the contrary, such an evolution is taking place in the host society, one would assume that it would first cause stress in the organization and then structural and attitudinal adaptation.

The report has the following structure. The first part briefly describes the societal context. How is homosexuality considered in Belgium, from a legal and attitudinal viewpoint? What are the employment rights of homosexuals? Are there (anti) discrimination laws or practices? The second part deals with past and present policies towards homosexuals in the Belgian military. Is there a parity of civilian and military law? Are there specific screening, admission and retention procedures concerning homosexuals? The third section analyses informal practices towards gay or lesbian personnel within the Belgian military. Finally, the fourth section deals with operational and social problems deriving from the presence of gay and lesbian personnel within the Belgian armed forces. What are the rules on acceptable conduct, how are homosexuals accepted in the military community by their colleagues and by their superiors? Does the presence of homosexuals have an effect upon group cohesion, in combat and non combat units?

The information contained in this report is based on a review of the literature on this topic, on public opinion data, on analysis of civilian and military laws and on numerous interviews of military officials, social workers, Army chaplains, heterosexual soldiers, gay and lesbians soldiers, as well as gay and lesbian organizations.

1. SOCIETAL CONTEXT

1.2 The Legal Situation of Homosexuals in Belgium

Article 6 of the Belgian Constitution states that "*All Belgians are equal in the eyes of the law (...)*". Article 6b: "*Enjoyment of the rights and liberties to which Belgians are entitled must be ensured without discrimination*".

Belgium in general complies with the March 13, 1984 European Parliament "Resolution on sexual discrimination at the workplace", which "*deplores all forms of discrimination based on an individual's sexual tendency*", states that "*in the campaign against discrimination of all kinds it is impossible to ignore or passively to accept *de facto* or *de jure* discrimination against homosexuals*". and it is "*unacceptable that homosexuality should be the reason, manifest or not, for individual dismissals*". It therefore calls for various measures to end such discrimination and in particular calls on the EC Commission "*to renew its efforts with regard to dismissals to ensure that (...) certain individuals are not unfairly treated for reasons relating to their private life*" and "*to submit proposals to ensure that no cases arise in the Member States of discrimination against homosexuals with regard to employment and working conditions*" (Waaldijk, 1991)

Belgium, however, does not offer full legal protection against employment discrimination based on sexual orientations. This is the reason why, on May 23, 1985, a socialist member of the Belgian Parliament first introduced a proposal for an anti-discrimination law (n° 1219/1). Article 1 of this law would make it a criminal offence "*to distinguish, directly or indirectly, on the grounds of sex, sexual and relational behaviour or preferences, civil status, or family situation*" (Waaldijk, 1991: 45). As with most of the proposals introduced by Members of the Parliament, however, this proposal has not yet been adopted.

If there is no specific anti-discrimination law, however, there are also no specific laws or regulations discriminating against homosexuals at the workplace. This is true for the private sector and the public sector.

Informal or indirect discrimination against homosexuals, however, does exist in Belgium, as in most other European countries. To cite a preliminary report of the European Human Rights Foundation compiled by Ramakers et al (1993: 6):

Lesbians and gay men are faced with limited access to the labour market and are confronted with the threat of forced silence at and dismissal from work or anti-lesbian and anti-gay sentiments in their working environment. The degree to which these problems occur differs from place to place and from sector to sector, but in all EC Member States there are

reported cases of lesbians and gay men who become ill, resign or are dismissed as a consequence of the negative attitude towards homosexuality at their place of employment (...)

The way in which homosexuals are discriminated against in the workplace are numerous. The common factor is always prejudice; the main reasons given for dismissing homosexuals are medical reasons, fear of corruption, actual or imagined pressure from clients or from other staff, inadequacy at work, etc.””

Nevertheless, for the period 1980-1990, the ILGA report mentions only two court cases related to discrimination against homosexuals at the workplace. The first one concerned the dismissal, in 1980, of an assistant head mistress at a technical provincial college on the grounds that she had deliberately challenged the provincial authorities by arguing on TV that her homosexuality had been an obstacle to her being appointed as a headmistress. The second concerned the dismissal, in 1987, of a gay man because of his seropositivity. The employer said that sales would drop if it became known that they were employing a HIV-positive man.

1.2 Public Attitudes Towards Homosexuals in Belgium

How large is the homosexual population in Belgium? No accurate figure exists. The only indication comes from two surveys done in 1980 and 1993 among young Belgians aged 17-24 for the newspaper *Le Soir*. A representative sample of 1768 young Belgians was asked about work, leisure, studies and love. The survey was carried out by Marketing-Unit. One question dealt with homosexual experiences. In 1980 and 1993, respondents were asked whether they had ever had same-sex relationships (intercourses). Table 1 presents the results.

Table 1

Did you ever have homosexual relationships ?

	1980	1993
Yes	6%	3%
No	87%	95%
NA	7%	2%
Total	100%	100%

Source: Le Soir, April 28, 1993, p. 2

In 1993, 3 % of the young Belgians said that they had at least once performed homosexual acts. In 1980, twice as many young males and females reported homosexual acts. To the extent that performing once same-sex acts does not necessarily mean that one is homosexual, the percentages presented here could be interpreted as upper limits. Probably in large part as a result of the fear of AIDS, homosexual experiences are rather less frequent now than 13 years before.

1.3 Opinions of Young Belgians on Homosexuals in the Military

What do young Belgians think about homosexuals in the military? Should they be allowed to serve or should they be prohibited from serving, or discharged, as in the U.S. ? The question was asked by INRA-Marketing-

Homosexuals in the Belgian Military

Unit on behalf of the Department of Social Sciences of the Royal Military Academy to a representative sample of 1001 non-university Belgian graduates aged 15-25. The question was part of an omnibus survey done in June and July 1993. Table 2 presents the results to this question.

Table 2

Homosexuals should not be allowed to serve in the Belgian military

Rather agree	26%
Rather disagree	64%
DK	10%
N	1001

Almost 2/3 of the Belgian youth (64 %) rather disagree with the statement "homosexuals should not be allowed to serve in the Belgian military." Only 26 % of the respondents think that homosexuals should not serve in the military and 10 % have no opinion.

As could be expected, Flemish youth are much more permissive than French-speaking ones as far as homosexuals serving in the military are concerned: 68 % of the former rather disagree with the statement versus 59 % of the latter. Acceptance towards homosexuals in the Belgian military increases with educational level: only 33 % of young respondents without any degree rather disagrees with the statement versus 69 % of those who

have a high school degree. Similarly, those who still studying are much less prejudiced (69 %) than those who are already working (56 %) or are unemployed (51 %). Girls are much more positive than boys towards allowing gays and lesbians in the military (66 % versus 62 %).

From this - rather limited - evidence, one can conclude that, in Belgium, young people do not consider that there is some sort of incompatibility between being homosexual and being a soldier. Or, put otherwise, in Belgium, the public image of the military is not a "macho" image any more. Such a conclusion is buttressed by other data taken from the same survey. 76 % of the young non-university Belgian graduates rather agreed with the statement "A military job is as well a man's job as a woman's job". 68 % thought that the military was just another job. A previous survey done by the Department of Social Sciences on the public image of the Belgian military among a representative sample of the whole Belgian population found similar results, i.e. 67 % and 80 % respectively.

2. POLICIES TOWARDS HOMOSEXUALS IN THE BELGIAN MILITARY

2.1 Past and Present

Policies and practices towards homosexuals in the Belgian military have evolved. This evolution runs parallel with the evolution in the civilian sector, with a delay. Homosexuality is now tolerated in the civil service, and thus in the military as well, to the extent that, in Belgium, laws and regulations applicable to the civil service apply automatically to the military. Official policy is now one of status equality.

20 years ago or so, homosexuality was considered as a mental disorder by psychiatrists. At that time, homosexuals were routinely discharged from the military or simply not allowed on medical basis. Draftees who were gay were screened out. It was a cause of reform. It is not the case any more. Homosexuality has been deleted from the list of mental illnesses by the American psychiatric association. Belgian neuro-psychiatrists followed suit, and, since 1971, homosexuality does not appear any more on the list of mental disorders leading to reform or discharge from the military for medical reason.

If, however, homosexuality per se cannot be invoked for refusing someone, for discharge, segregation or punitive actions, homosexuality, when associated with adaptation problems, such as substance abuse, serious mental disorders, etc., can lead to discharge. Such individuals are dispatched to the neuro-psychiatric department of the military hospital in Brussels. There, their homosexuality is treated as part of a psychopathic syndrome, falling under the rubric "sexual perversion" (article 513 of the 1971 *Arrêté Royal*). The individuals can then be discharged or not conscripted for medical reasons. Similarly, transsexuals and transvestites are treated as sexual perverts and discharged or not conscripted.

The following table gives, for the last three years, the number of individuals who were sent to the neuro-psychiatric department of the military hospital and whose personal files mentioned their homosexuality. As one can see, the numbers are quite small.

Table 3

**Number of referrals to the neuro-psychiatric department
of the Belgian armed forces**

Year	Volunteer	Draftees
90	0	27
91	3	32
92	1	28

2.2 Parity of Civilian and Military Law

In Belgium, there are no differences whatsoever between civilian and military law with regard to the employment of homosexuals. In particular, the laws and rules that apply to the public service and to employment rights in general are also applied within the military. This is based on the following principle: one cannot discriminate someone on the basis of her/his sexual preferences. Homosexuality, as all sexual matters in general, belongs to the private domain of individuals. The *de jure situation* is thus perfectly clear.

In other words, there are no specific military regulations barring homosexuals from the armed forces or, more generally, discriminating against them. The military applies the same treatment to homosexuality as to other sexual matters. As long as it does not interfere with the daily work, sexual preferences are neither a basis for rejection (military service or career) nor discharge.

One can make a comparison with the issue of recruitment of female personnel. Until 1975, there were no women in the Belgian armed forces. The Belgian military began to recruit women at the enlisted level in 1975 and in 1977 at the officer level. In 1981, the Defence Minister decided to abolish any form of discrimination against female personnel in the armed forces. This means that, since 1981, in Belgium, military recruitment and promotion practices are totally aligned with civilian practices. Female personnel has access to all functions in the military, including combat functions. Recruitment ads cannot make any references to gender, etc.

The 1981 decision was taken against the advice of the military authorities who wanted to keep barring women from certain dangerous functions, in particular combat functions, and to make a distinction between peace and wartime. The Minister overruled his military advisers. His decision was based on a very simple principle: the military is part of the civil service, and as such must apply, without any reservation, all the laws and regulations which apply to the civil service. In effect, it meant that the Minister was denying any specificity to the armed forces deriving from their unique goal, i.e. combat. For the Minister, the military was a department as any other department. Such a principle applies to personnel policies towards women or homosexuals; it applies as well to all manpower policies (for instance, union rights, overtime compensations, etc.). As far as homosexuality is

concerned, the pressure for change came from outside the military. In fact, it came from the European institutions, particularly the 1984 European Parliament Resolution. As the Belgian government decided to adhere to this resolution and to prohibit discrimination policies and practices in the private and public sectors, it naturally affected the armed forces.

2.3 Screening and Admission

There is no official or covert screening policy towards future draftees or volunteer personnel. In particular, one never asks the sexual preferences or orientations of applicants.

If a prospective draftee explicitly mentions his alleged homosexuality, and uses this as a way to try to avoid doing his military service, he can be referred to the neuro-psychiatric department for further diagnosis. But, *per se*, being homosexual or claiming to be homosexual is no cause for not being conscripted.

Open homosexuals are not assigned to particular units or functions. Because one does not ask the sexual orientations of applicants and it is not a criteria for personnel assignment, they are as likely to be found in maintenance, administrative or technical units as in combat units.

There are no data on the number of homosexuals in the Belgian military. But, according to the various persons interviewed (military authorities, gay or lesbian organizations, etc.), there are homosexuals (gays and lesbians) in all branches and ranks. In particular, there are known cases of homosexuals in infantry, tank or navy units.

2.4 Retention and Discharge

Homosexuality is no basis for discharge (draftees or volunteer personnel). During the period 1980-1990, the ILGA Report found no evidence of court cases involving refusal or dismissal of homosexuals from the Belgian military on the ground of homosexuality, and this either directly or indirectly.

If open homosexuality never leads to discharge from the Belgian armed forces, proselytism or sexual harassment of same-sex colleagues can,

however, lead to mutation. It should be noted, however, that such practices are not specifically or solely directed towards homosexuals. For instance, sexual harassment of female personnel by male colleagues or superiors, when it leads to formal complaints and when it interferes with the daily work life, generally results in the mutation of the individual(s) involved. Any form of sexual relations (heterosexual and homosexual) is also strictly forbidden on ship, in the Navy. Transgression of this rule can result in the mutation of the persons involved, or even (but rarely) their discharge.

As noted in a preceding section, if homosexuality is associated with some grave disorders (alcoholism, substance abuse, beating, etc.) and if such behaviour disturbs the normal functioning of the service, the individual can be discharged on basis of criteria 513 of the 1971 *Arrêté Royal*.

The procedure for discharge under criteria 513 is the following:

- (i) The social service of the Belgian armed forces makes an inquiry among friends, acquaintances and colleagues of the individual involved.
- (ii) If there is indeed a problem (serious disturbances, misbehaviour, etc.), the person is directed to the department of neuro-psychiatry of the central military hospital (in Brussels).
- (iii) If the department considers that the individual is mentally disturbed, he is discharged, on the basis of the 1971 *Arrêté Royal* (criteria 513: psychopathy). The service responsible for the discharge is MSR.

It follows that an eventual discharge is always based on neuro-psychiatric arguments, although homosexuality is not considered per se as a mental disorder. But, as shown in table 1, such a procedure is very rarely used, particularly in the case of volunteer or career personnel.

As will be seen in the following section, actual practices may vary from units to units, and from commanding officers to commanding officers.

3. PRACTICES

3.1 The Notion of Proper Conduct

If the *de jure* situation of homosexuals in the Belgian armed forces is perfectly clear, the *de facto* situation is a little more complex, as is often the case. As said before, the general rule is: as long as homosexuals (as well as heterosexuals) do not behave in a provocative, flaunting, or proselytic manner, their sexual orientations and behaviours are considered private matters, not the army's business. Once homosexuals begin to behave too openly (kissing and holding hands on base, sexual intercourses on base, etc.), however, and their behaviour elicits complaints from others, it very often leads to mutation of the person involved. Generally, but not always, the mutation follows a first warning or reprimand. If the individual persists behaving in the same way, he is then transferred to another unit, or service.

How flaunting the behaviour will be judged by others, however, depends on various factors. Among these variables, one can cite:

- (i) The kinds of units involved: (elite units, Army, Navy, etc.). Paracommando units appear to have a considerably less lenient attitude toward homosexuals than other units. The current informal policy of this elite regiment was: as long as one does not know that someone is homosexual, there is no problem. There is no screening, no witch hunt. But once someone is known to be homosexual (because he has "come out" or merely because one has found out that he is homosexual), he will be expelled from the regiment and transfer to another unit. Tolerance towards homosexuals on the part of personnel from this regiment is said to be lower than in other units, probably due to the more traditional, "macho" organizational culture of these elite troops. This could, however, change in the near future to the extent that the official and de facto policy of the Paratroops regiment would be aligned on the same rules as in other units. The question remains to see whether paratroopers will accept this policy.
- (ii) Ship/off base: enforcement policy is also stricter on board ships. Belgian ships are relatively small (the biggest ships, the frigates,

have about 100-150 personnel on board). They present thus all the characteristics of total institutions. In order to preserve morale and to minimize the sources of interpersonal conflicts, all sexual contacts are banned on board (heterosexual as well as homosexual). Because their character of total institutions, gossips circulate also more quickly than in larger, more open bases. Sexual encounters are thus less easily hidden. Consequently, mutations of homosexuals are more likely and will happen more quickly than in other units.

- (iii) Belgium/Belgian Forces in Germany: one observes the same trend concerning troops stationed in Germany, compared to units in Belgium. Because of its ghetto characteristics, garrison life in Germany has also many traits of a total institution. Homosexuality is thus less easy to hide and consequently can more quickly lead to mutation.
- (iv) Operations in foreign countries/peacetime: "deviant" sexual behaviours are also more visible while in operations in a foreign land (under U.N. control or otherwise). For instance, there has been one reported case of a soldier participating to BELBAT 3 (Belgian U.N. mission in Croatia) who was immediately sent back to Belgium, after he had been discovered having sexual relations with a Serbian civilian in the barracks.
- (v) Personality of the Commanding Officer (CO): Depending on their education, attitudes, beliefs, COs will react differently when confronted with homosexuals in their units. Some are more tolerant than others, some are less intrusive in the private life of their men than others, some will act more quickly than others (mutation or conversation), etc.

Officially, as said before, the Belgian military does not inquire about sexual orientations of its personnel. There is, however, an exception: investigations conducted for delivery of security clearance. Assignments to sensitive functions (i.e. functions requiring high security clearance) or officers' promotions are preceded by a security investigation. The results of these investigations are then added to the personal file of the individuals. In Belgium, security investigations are done by the military intelligence agency (SDRA). SDRA routinely asks the family situation of the individual

concerned (is he married, does he have children, does he have an extramarital affair, etc.). Security reports are secret. It means that the individual subjected to a security check may not ask to see the content of his file. Only his CO has access to the file.

It can be that, for certain functions (staff functions in Allied headquarters, etc.), homosexuals are considered a security risk, because they could become more easily the victims of blackmail, and that, as a consequence, they tend *de facto* to be excluded from these functions.

Before the promotion of officers to Colonel or General rank, routine security checks are conducted by SDRA. During these interviews, questions on the private life of the officers are indeed asked. But, according to sources in SDRA, such information is not used for decisions on the promotion of officers. Or, more exactly, the committees that are doing the propositions for promotion do not use such information.

3.2 Practices Concerning HIV-Positive Personnel

There appears to be no official, or "declared", policy concerning the problem of HIV positive candidates or personnel. Officially, Belgian law prohibits any form of discrimination. To the extent that being HIV-positive is not an illness, it should not lead to discharge or refusal. Informally, however, practices in the military, as in many other institutions, are quite different.

As far as volunteer and career personnel is concerned, HIV testing is part of the routine medical examination applicants must undergo before entering the Belgian military. If an applicant is found HIV-positive, he is refused, as unfit for a military career. After a second test for confirmation, results are routinely transmitted to the individual's physician. According to medical sources, up to now, there have been very few cases of HIV-positive applicants.

Practices were different for draftees. Draftees are not systematically tested (it would probably be too expensive) on the rationale that they spend too short a time in the military (6 to 8 months for the moment). If they ask for it, however, they will be tested and given the results.

There is no testing before being sent in operation abroad (for instance in Somalia and ex-Yugoslavia), but well after. According to medical sources, up to now, there has been no HIV-positive case.

What happens when someone is found to be HIV-positive while in the military? Here again, one must distinguish between draftees and career personnel. HIV-positive draftees are discharged for medical reason and sent home. Volunteers and career personnel are not discharged. As long as they do not have AIDS, nothing happens, to the extent that, as just said, being HIV-positive is not an illness. When they become ill (AIDS), they go on sickness leave and follow the normal procedure. During the first months (the length varies depending on how many years they have served), they continue to receive their normal pay. After that period, they are discharged and taken in charge by their mutual insurance company (social security).

4. PROBLEMS

4.1 Forms of Discrimination Against Same-Sex Couple

As indicated before, Belgium in general complies with the March 13 1984 European Parliament "Resolution on sexual discrimination at the workplace," which states that "in the campaign against discrimination of all kinds it is impossible to ignore or passively to accept *de facto* or *de jure* discrimination against homosexuals." Forms of legal discrimination towards homosexuals do, however, exist. These forms of discrimination mainly derive from the fact that, in Belgium, as in most other European states, marital status is a criterion and condition for many legal and extra-legal entitlements and that marriage is a form of legally registered partnership between one woman and one man.

To the extent thus that lesbian and gay relationships are not legally recognized, same-sex couples are excluded from social benefits that come with such recognition. Insofar as career and volunteer personnel of the Belgian armed forces are part of the civil service, the same rules apply to them. A few examples:

- (i) Pension: only the spouse (legally married couple) can benefit from the pension of his/her deceased husband/wife. Pension rights do

not extent to heterosexual or homosexual non married couples.

- (ii) Succession rights: non married couples are taxed at a much higher rate (up to 80 %) than legally married couples in case of death of one of the partners.
- (iii) Health care: each Belgian employed or unemployed man or woman is entitled to social security benefits in general and to health care benefits in particular. These benefits are also provided to the non working legal spouse. In this case, the working (or unemployed) husband/wife pays added contributions to his/her mutual insurance company. Health care costs of a non working heterosexual or homosexual partner, however, are not covered by the insurance of his/her working partner.
- (iv) Occupational injuries: if one of the non married partner suffers from an occupational injury, his/her partner is considered as a stranger and will not receive any compensation. This case is particularly relevant for armed forces engaged in peace-keeping or peace-enforcing missions, such as the ones in Somalia or ex-Yugoslavia. With the new missions of military organizations, risks of casualties are now significantly higher than during the Cold War era, for small armed forces as the Belgian ones. This situation has been recognized by the Belgian Defence Minister. In May 93, he launched a campaign aimed at supporting our troops engaged in blue helmet operations. One of the campaign goals was to create a fund that would support widows of non married couples. Unhappily, the campaign was not a public success. Nevertheless, it showed that the problem of "non traditional" couples had begun to be recognized in the Belgian armed forces.

With the increasing number of non traditional (heterosexual and homosexual) couples, demands emerge to reform Belgian civil law, which is still based on the old Napoleonic civil code. A Flemish socialist member of Parliament, Guy Swennen, has recently introduced a proposal for the legal recognition and protection of other forms of living together than the marriage. If his proposal was adopted, non married heterosexual and homosexual couples would have the possibility of having their relationship officially recognized. This recognition ("cohabitation organized by convention," as defined in the law proposal) would extend the

rights afforded to married couples to these people.

Another form of discrimination towards homosexuals, specific to military personnel, is that same-sex couples are denied military provided housing. It is not, however, because they are homosexual, but rather because they are not married. In Belgium, military provided housing is indeed reserved to married couples.

Bisexuals in Belgium do not have a special status, neither within the Belgian society nor the military. To the extent that most of them are legally married, they receive the same benefits as "straight" married men or women. For the rest, their sexual preferences are nobody's else business.

Finally, there does not seem to be any reported cases of gay bashing in the Belgian armed forces. It does not necessarily mean, however, that the phenomenon does not exist. Cases can be covered up by the local military authorities or even remaining unnoticed by them.

4.2 Life Experiences of Homosexuals in the Belgian Military

In order to apprehend some of the day to day problems encountered by homosexuals serving in the Belgian military, in-depths interviews were conducted in June with 4 avowed homosexuals (gays and lesbians) willing to talk about their life experience. Two of them were stationed in Germany. Both were draftees. One was barman, the other served in a combat unit. The two lesbians (a couple) were corporals stationed in Belgium in a transport unit. Needless to say, these four individuals can in no way be seen as representative of the whole homosexual population within the Belgian armed forces. Indeed:

- (i) they were willing to talk. Because it is a very sensitive topic, few people are willing to talk openly about their homosexuality by fear of problems with their superiors or colleagues;
- (ii) they were explicit about their sexual orientations;
- (iii) by definition, it was impossible to conduct interviews with probably the greatest category of homosexual soldiers, i.e. the ones who hide their sexual preferences;

- (iv) we could not find gay or lesbian officers or NCOs willing to talk openly;
- (v) all four interviewees were Dutch-speaking. Flemish youths are known to be less traditional as far as lifestyles are concerned than French-speaking ones.

Nevertheless, insofar as these four individuals were all telling approximately the same story, one can assume that their life experience is probably shared by many others within the Belgian military.

As one will read, the impression one gets from these in-depths interviews is two-fold and confirms interviews with commanding officers and social workers:

- (a) those who do not reveal their homosexuality do not encounter specific problems (other naturally than the ones resulting from hiding one's true personality);
- (b) those who are known to be homosexuals (either because they were explicit about it or because their sexual preferences were found) are generally, during a first phase, the object of mocking from their colleagues and from their superiors. After a few weeks though, to the extent that they do their assigned tasks in an efficient way and that they do not adopt a "flaunting" behaviour, they tend to be accepted first by their superiors and then, but with sometimes more difficulties, by their colleagues. In other words, others tend to adopt a more tolerant attitude toward them. If they do not behave "well" though, they will be rejected by the rest of the military community. As said above, it will generally result in a transfer to another unit.

One will note that attitudes towards open homosexuals are rather similar to the ones male soldiers had towards the first women who entered the military. Women tended to be accepted in the formerly all-male environment to the extent they worked harder than average and conformed better to military norms and values. Just doing one's work (or doing it poorly) was not sufficient to be integrated in the group and reinforced negative stereotypes against women in the military.

The Draftee Serving as Barman

When he arrived in his unit in Germany (an infantry battalion), he told his commanding officer that he was homosexual. He was assigned to a non combat function, i.e., barman in the officers' mess. During the first week following his revelation, he was the object of mockeries and innuendoes as well on the part of his colleagues as of officers. This period of incomprehension lasted about one week. Afterwards, he was accepted by the others. According to him, this was possible for two reasons:

- (i) he never mentioned again his homosexuality (the others knew and accepted it) and did not adopt a "flaunting" behaviour;
- (ii) he was very efficient in his work. Everyone was pleased by his competence.

The Draftee Serving in a Combat Unit

This draftee was serving in a combat function in a combat unit in Germany. He had not mentioned his homosexuality to anybody. But it became known. He too was first the object of mockery. But, as he did his work very well and was tough, he was again accepted by the others. In other words, after a short period of rejection, he was re integrated in his group. Since then, he has not had any relational problems. The fact he was serving in a combat function was not seen as a problem by anyone.

The Lesbian Couple

These two female corporals were serving in Belgium in a transport unit. They had received a formation as driver. What makes this case very interesting is that they were living together (off base) and did not hide their relationship at all. They were even rather ostentatious, holding hands while in uniform on base, etc. Because they performed very well in their jobs, however, they were not harassed by the others. But they were not really integrated in the group. This non integration, however, was rather due to them than their colleagues. They did not really want to take part in the social life of the unit. They wanted to be left alone and they were left alone. They supported each other.

4.3 Attitudes of Heterosexual Personnel Towards Homosexual Colleagues

In order to elicit stereotypes on homosexuals and to get a better feeling on how fellow soldiers interact (or would interact) with an homosexual colleague, one asked the Military Training Centre (*Centre de Formation Militaire*) to organize a series of role plays on that topic in the context of its normal training sessions aimed at improving human relations within the armed forces. The Military Training Centre learns to military personnel of all ranks how to interact in a more humane way. It is part of a wide scale program designed by the Joint Chief of Staff to introduce new management techniques in the Belgian armed forces and to improve job satisfaction. During the working sessions at the Military Training Centre, participants are routinely asked to perform role plays on various aspects of the daily life in the military (senior/subordinate relationships, team work, ways to deal with deviant behaviours, etc.).

In May 1993, members of two of these groups were asked to perform role plays simulating social exchange between two colleagues, one of them being an open homosexual. After the role plays, members of the groups were asked their opinions on the presence of homosexuals in the military. They were also specifically asked the following question: "should gay men or lesbians be kicked out of the military?" The two groups consisted of about 30 individuals each and were made up of officers, NCOs and volunteers.

Although the results of these sessions are not to be considered as representative of the opinions of Belgian military personnel on homosexuals in the armed forces, they give us a first hint of the true feelings of military personnel on that sensitive and quite taboo topic. Furthermore, to the extent that all interviews point in the same direction (i.e., tolerance), they are certainly not totally unrepresentative of the majority opinion on this topic. As is the case with all qualitative techniques, such as focus groups, in-depth interviews, etc., they constitute a first step in the mapping and understanding of attitudes towards homosexuals in the military. Ideally, on the basis of these qualitative interviews, one should construct a standardized questionnaire to be administered to a representative sample of military personnel.

As just said, the results of the role plays and the question were quite consistent: they pointed to an attitude of pragmatic limited tolerance

towards the presence of homosexuals in the Belgian military.

All members of group 1 answered no to the question (i.e., homosexuals should not be kicked out of the military). For them, homosexuals have the right to serve in the military, as any other. They were thus totally tolerant.

Members of Group 2 were also overwhelmingly against kicking homosexuals out of the military, except for one person who thought that homosexuals should not be allowed to serve. After the role play, it appeared that the reason the person was against the presence of homosexuals in the military was due to a negative personal work experience with an homosexual colleague. They were cooks, working in the kitchen. He was (or felt) harassed by his homosexual colleague. He claimed, however, not to be against homosexuals as such, but only against their presence in the military, because they were a possible factor of disruption in the normal work.

A tentative conclusion could be that the great majority of military personnel is very much tolerant, except for those who have had negative work experiences with homosexuals.

Normally, it was planned to also interview a group of paratroopers during the last week of June. Paratroopers are indeed said to be considerably less tolerant towards homosexuals than other military personnel, because of the allegedly macho organizational culture of this elite regiment.

Unfortunately, the session was cancelled, due to the departure of their company to Somalia. We were thus not able to confirm or falsify the above hypothesis.

5. CONCLUSION

From this report on homosexuality and the military, one could conclude that, in Belgium, this sensitive issue is approached, by the two sides, in a pragmatic, tolerant way.

Homosexuals serving in the military are expected by their superiors and colleagues to behave discreetly, not to "flaunt" their sexual preferences. As long as they adopt such an attitude, they will be accepted in the military community, or at least left alone. In other words, homosexual preferences do not seem to be viewed as an unacceptable deviant behaviour, a way of life that would be incompatible with a military career. One can thus speak of a limited pragmatic tolerance.

This attitude is not specific to the military community. It seems to be the way relations between those who have "conventional" lifestyles and those having "non conventional" lifestyles are organized in Belgium. Provided that the latter are not too visible and revendicative, they are tolerated. After all, it fits the image of Belgians as men and women who abhor extremists and extremism, as people wanting to be left alone as far as their private life is concerned, and consequently leaving others alone. Everybody does what he wants, as long as he does not interfere with others' private life, as long as he does not bother them. The military being part of the civilian society, being shaped by its value system, does not deviate from this principle.

This does not mean that homosexuals serving in the military have no problems, live a happy, adjusted life. They do have adjustment problems. It is still difficult and risky to tell about one's sexual preferences. These problems, however, are not specific to the military organization. Every homosexual experiences such problems in his/her daily life.

Finally, from a purely operational viewpoint, homosexuals are not considered as a threat to unit cohesion. There are no reported cases where the presence of homosexuals would have caused a breakdown of primary group relations. As a general conclusion, one could say that it is not the presence of outgroups as such that causes relational, and thus operational, problems; it is the attitude of the ingroup towards these newcomers (women, homosexuals, ethnic minorities, etc.). If the ingroup does not feel threatened in its self-image and culture, problems will be minimized.

REFERENCES

- BULLINGA, M. (1984), *Het leger maakt een man van je: homosexualiteit, disciplineren en seksueel geweld*. Amsterdam: SUA.
- RAMAKERS, M. (1992), "Homosexuality: a community issue", synthesis report for DG5 of the EC. Unpublished paper, 42 p.
- SANDERS, G. (1974), *Homosexualiteit: een overzicht van het sociaal-wetenschappelijk onderzoek naar homosexualiteit in Amerika en West-Europa*. Amersfoort: NISSO Cahiers.
- SQUARCIALUPI, V. (1984), "Report drawn on behalf of the Committee on Social Affairs and Employment on sexual discrimination at the workplace". European Parliament, Working Documents 198/
- VAN WEERD, A. (1993), "Als je er maar niet mee te koop loopt: over het NISSO onderzoek naar homoseksuelen binnen defensie", pp. 19-22 in *Maatschappij en Krijgsmacht* 1.
- WAALDIJK, K. et al (1991), "Tip of an iceberg. Anti-lesbian and anti-gay discrimination in Europe, 1980-1990: a survey of discrimination and anti-discrimination in law and society", first report. Utrecht: Department of Gay and Lesbian Studies, University of Utrecht.
- 1 Source: K. Waaldijk (1991).
 - 2 CATI interviews (CATI), probability sample.
 - 3 This survey was conducted for the Joint Chief of Staff by INRA-Marketing Unit in December 1992 -January-1993 among a representative sample of the Belgian population (n = 1.000). The questions were part of an CATI omnibus survey.

- 4 Annexe à l'*Arrêté Royal* du 5 novembre 1971, n° 14356. Tableau des maladies et infirmités qui entraînent l'inaptitude au service militaire des miliciens, à l'engagement et au rengagement volontaire ainsi qu'à l'engagement et au rengagement à la gendarmerie.
- 5 In Belgium, the normal workweek, for enlisted personnel and NCOs is 38 hours, as in the civil service.
- 6 Knack n° 25, June 23-29, 1993, pp. 30-31.

RESEARCH PROJECT

COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

HOMOSEXUALITY AND ARMED FORCES IN ITALY

Marina Nuciari

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

1. Introduction
 - 1.1 Homosexuality in Italian Society
2. Policies
 - 2.1 The position of conscripts
 - 2.2 The position of career personnel
3. Practices
 - 3.1 Homosexuals and the draft
 - 3.2 When career personnel come out
4. Problems
 - 4.1 Changes and perspectives in the near future

References

1. INTRODUCTION

In Italian culture, all matters relating to sexual life are determined by a double set of norms, in which a "Private" and a "Public" side can be distinguished. Because of the strict definition of a moral life as this is laid down by Catholic religion with regard to sexual behaviour, practically all behaviour not directed to procreation is considered to be a sin; this is still true, and this policy has been reaffirmed by the Pope, notwithstanding the evident disagreement of a large part of the Catholic hierarchy. Much more evident and widespread, is disagreement within society, where full practising Catholics are a narrow minority. The effect of this is seen in the very low birth-rate, now about zero. In general, private behaviour has traditionally been exemplified in a public adhesion to a set of moral norms derived from religion. The deep secularisation of social life which has developed since the late Sixties, has given rise, however, to a high degree of tolerance in the domain of private sexual, life and behaviour; this tolerance does not mean that a generalised social norm has vanished, but that nobody will be punished for their private behaviour while this behaviour remains private and does not become a perceived offence which offends someone else's moral principles. Thus to some extent, each and every one can do what they prefer. This follows secular or religious principles within the limits of individual freedom and self-determination. No one can be asked about their private behaviour and preferences, for example within labour relationships, unless their behaviour (limiting our attention to sexual behaviour) becomes public and thus affects their working duties.

The liberal situation depicted above is rationalised as part of the generalised process of modernisation, secularisation and cultural change which has developed in the Western world in the second half of this century. This has led to social tolerance, individual self-determination, and minority-groups rights recognition - in one word to a major enlargement of the spectrum of personal rights. Such a situation is not far removed from the one envisaged, as far as Italy is concerned, in the Constitution of the Italian Republic as it was proclaimed at the end of the Second World War in 1947.

In the spirit (but also in the letter) of Italian basic law, no discrimination, of any form, is permitted in social relationships, and every discriminatory norm is illegal. Coming from a period where discrimination under many aspects was the norm of Fascism with all its totalitarian and illiberal legislation, the new Republic choose a very liberal, egalitarian and open Constitution, even wider than Italian society and culture were at that time.

1.1 Homosexuality in Italian Society

Under Fascism, homosexuality was considered to be anti-social behaviour, prosecuted and leading to discharge or transfer in job posts - depending on the status and situation of the individual. With the introduction of new legislation in the Republic, homosexuality as one aspect of discrimination was downgraded in importance from being equated with 'criminal' behaviour to being seen as a psycho-physical illness. It came to be seen in the more advanced sectors of contemporary Italian society as one of a number of possible sexual practices. Looking at the last version of the Penal Code, it can be noted that no mention is made therein to any specific sexual crime associated with homosexuality per se. There is no differentiation between, for instance, sexual harassment or sexual violence against a person of the same or other gender; this is the case also when minors (less than eighteen, with special regulation when children are less than fourteen) are involved in sexual intercourse with adults.

To sum up, the condition of homosexuals in Italy and the way in which the question is generally considered by the public both at a social and at a formal level can be described in the following brief terms.

Sexual preference is not a matter of preclusion from any social position in Italy, at a legal or manifest level. This is true for the society, where discrimination (more in the form of an episodic low tolerance) does exist at a rather hidden cultural level but cannot be enforced through legal means and it is masked by a manifest tolerance.

The question in practice is that homosexuality is not per se considered to be a crime by the criminal code, unless it leads to behavioural actions, usually related to sexual life, which are considered as crimes; such criminal behaviour includes:

- (i) disguise in public (which means to change one's gender identity)
- (ii) enticement (this is generalised to prostitution)
- (iii) prostitution exploitation

Of course, all such behaviour is particularly subject to prosecution where children and minors are involved.

The above statements do not mean that homosexuals find life easy in Italian society: a social stigma exists, other than in elite and privileged social groups (intellectuals, artists, or high bourgeoisie in general). Moreover, everything occurs in a rather "soft" and hypocritical way; behaviour is widely differentiated according to the lines of cultural change, urban-modern-advanced cultural patterns are widespread and they include a high level of tolerance in everything relating to private and sexual life. If a situation as such is typical of metropolitan areas, social control is greater in smaller communities, where open homosexual behaviour is usually negatively sanctioned, or considered as an illness or as a suspicious deviance. The general outlook can be defined by the following proposition: "I do not have anything against homosexuals, given they stay on their own and do not give rise to scandal". And 'to give rise to scandal' means in one way or another, to "come out of the closet".

In one of the latest research studies on values and moral beliefs within the populations of European countries (Table I), in a list of 22 patterns of behaviour implying different levels and kinds of moral judgement, the Italian population sample (ranging from those aged from 18 years old to over 60) assigned to homosexuality a degree of justification just a little higher than prostitution and slightly lower than "keeping found money" (see Table 1).¹

Table 1

**Level of Acceptance/Unacceptance
of 22 Patterns of Behaviour.
List of the 9 most Acceptable Patterns
Italy 1981***

To kill someone for defence	5.54
Divorce	4.99
Abortion	4.29
Euthanasia	3.04
Sexual relation with a married person	2.76
Keeping found money	2.76
Sexual relation between minors	2.73
Homosexuality	2.52
Prostitution	2.07

* Scores range from 1 (least acceptable) to 10 (maximum acceptable)

Not very different is the position of the younger generation when this is considered separately. In two different samples of Italian young people (15 to 24 years old) interviewed in 1983 and 1987², "having a homosexual experience" was considered among the behaviour most criticised by society, very near to hard drug addiction; at an individual level, young people do not seem to be more tolerant than the adult society towards homosexuality, since only some 30% think that "having homosexual experiences" is acceptable behaviour (Table 2), and only 1.3% (in a sample of 4,000 individuals) declare a propensity for it (see Table 2).

Table 2
Acceptable Patterns of Behaviour by Time (1983 and 1987)

	1983 %	1987 %	Behaviour Propensity %
Do not pay tickets on bus	26.0	24.6	23.9
Absenteeism on job	26.0	27.7	15.6
Stealing in supermarket	10.1	6.7	4.0
Do not pay taxes	24.9	31.2	9.2
To get divorce	75.3	80.4	12.8
Sex without marriage	77.6	86.8	22.7
Living together without marriage	81.2	83.2	18.8
Homosexual experiences	37.5	36.1	1.3
Love affair with married person	49.0	52.1	14.4
To get drunk	50.4	49.6	19.0
Drug addiction (heroin)	8.9	11.2	0.8
Abortion	56.6	59.7	3.9
Euthanasia	39.8	39.8	8.4

The absence of a link between the acceptance and the legality of such behaviour is very evident: "do not pay taxes, do not pay for tickets, absenteeism, drunkenness, euthanasia and stealing" are all prosecuted by the penal code but are considered to be acceptable behaviour by a meaningful minority; all the remaining patterns of behaviour - and homosexuality is among these - are not legally prosecuted but are considered acceptable to a limited extent. The fact that homosexuality is not considered as a crime any more, and that it is tolerated in practice, does

not mean however that it is perceived as a totally acceptable pattern of behaviour: the situation is very differentiated and leads to the conclusion that homosexuality is still more a hidden than an open condition.

From the early seventies onwards, some very large gay movements have developed such as FUORI where the acronym which means "out" is the name of the Italian Revolutionary Homosexual United Front, or the ARCI which is the acronym for "Gay". These mainly linked to the left and the most radically liberal side of Italian society, have developed a rather stable framework for the generalization of the "gay question". During the seventies a number of minority group movements were claiming for recognition and civil rights, not only at a legal but mainly at a social and cultural level; the gay movement was one of these. Since this movement is largely located in urban and metropolitan areas, homosexuality is socially considered in different ways according to the socio-territorial milieu. Where the action of the gay movement had, and continues to have, an impact on social tolerance is where deeply widespread and social support is available, such as big towns; elsewhere, in peripheral milieus and rural villages, the social stigma still continues.

As far as working conditions are concerned, the existing strong system of legal guarantees governing labour relations in Italy, prevents homosexuals (like every worker) from being discharged or transferred, both in the private and public sectors for reasons other than a strict job related necessity. This is true in general, but depends in practice on the ability of individuals to deal with social pressures, together with the kind of such pressures which may be positively or negatively oriented toward homosexuality.

By taking all the above elements into consideration, a wide range of positions can be found within the active society, and a variety of situations affects the daily life of gay people: indifference, tolerance, intolerance. All these social reactions can be noted in Italian society and in its institutions.

2. POLICIES

2.1 Homosexuality and Military Institution

From the above introduction we can draw together some elements to illustrate the position of gay people in an institution such as the armed forces. Generally speaking, what holds true for the civil society in Italy, also holds true for the military, in the sense that manifest and latent ways of thinking toward homosexuality are present in both cases.

As far as policies are concerned, all questions relating to homosexuals in the military must be considered under two different and separate points of view; the first relates to compulsory military service, where young male draftees (in Italy there is no female compulsory service of any kind, not even on a voluntary basis) are enlisted to serve for twelve months; the second point of view pertains to career personnel, both officers and non-commissioned officers. This distinction is necessary not only because the two categories are different - the former includes those who are soldiers only for a definite and brief period of time, while the latter comprises junior and senior officers who chose the military for life (in principle at least), but also because there are different ideologies supporting the two groups. In short, it can be said that a certain liberal mind characterises the norms governing homosexuality for the draft sector, while a "traditionally" negative outlook still exists where career personnel are involved.

Generally speaking, the armed forces and all the military related institutions such as police, firemen, and customs officers are the only places where recruitment is largely conditioned by some specific psycho-physical requirements, certified by a medical board. Since homosexuality is no longer treated as punishable behaviour but as an illness affecting individual psychology and behaviour, it has been included among the possible reasons for excluding individuals from serving in the military or in similar institutions on the grounds of their inadequacy. This is the reason why the armed forces and other military related corps, are the only institutions where the gay question has received some kind of regulation, albeit that this, as we shall see later on is more negative than positive; all the rest of society, at policy level, simply ignores the matter, leaving it to be dealt with as a social issue, that is as a matter pertinent to social movements.

2.2 The Position of Conscripts

As far as the draft policy is concerned, homosexuality was included, from the establishment of the Italian Republic onwards, among the reasons leading to exclusion from service, for it was treated as a psychiatric disease. Norms regulating exemptions from compulsory service were first contained in DPR n 237/1964: art 617, where it is stated that those eligible for enlistment would be excluded from service if they had relevant defects and diseases; such defects were defined in a subsequent law DPR n 1008/1985. This last decree regulates physical as well as psychiatric diseases; it also contains a general mention of homosexuality, although this is never named as such but is termed "sexual deviance". The law is clearly spelt out: "homosexuality is not to be considered any more as a reason of exemption per se from military service, but as a behavioural anomaly needing to be evaluated as a symptom of character pathology implying a social pathology". Thus, the letter as well as the spirit of the law makes a distinction between homosexuality as "sexual preference" which is not a cause of exemption from military service and all those various "behavioural and psychological anomalies" relating to sexual deviance, which are considered to provoke problems in situations where interpersonal relationships are particularly relevant. Sexual deviances are not considered in isolation, but are considered as part of a detailed list of psychiatric (in art. 41) and psychological (in art. 40) diseases leading to some behavioural anomaly. It is impossible to deduce from the lists of those exempted from compulsory service, anything more than a general reason (ex art. 40 or ex art. 41), for their exclusion unless individual records are available for consultation. This ensures confidentiality both in terms of the reached decision and the people involved.

Before Law n 1008 of 1985 was passed, declared and/or discovered homosexuality, especially where it was certified by police records of cases of penally relevant behaviour, was always a reason for exemption from military service. The more elusive and discretionary definitions of homosexuality contained in the 1985 decree can be seen to result from pressure by the gay movement for the recognition of homosexuality as a normal and non-pathological condition. It would no longer be a reason for exemption from what is the right or duty of every citizen, that is, military service. Thus the request of the gay movement for an overall and full normalisation of homosexuality is legally justifiable, that is their enlistment within the limits of evident behavioural anomalies.

2.3 The Position of Career Personnel

As far as career personnel are concerned, homosexuality still remains a hidden phenomenon, culturally considered to contrast with the image of the "true" soldier, especially the "professional soldier". It rarely, if ever, happens that a young aspirant to a military career, be it as officer or as NCO, declares himself to have homosexual preferences; normally he is not asked, but even in this case he would deny it, simply because he would not be accepted for reasons of unfitness. There is no written norm explicitly excluding homosexuals from the military, but the case is treated in accordance with the Law DPR n 1008 of 1985 which is applied to draftees; both articles nn 40 and 41 give sufficient definitions of sociopathic personality which are seen to be unacceptable for professional and non-commissioned officers, that the Law can be used as an authoritative guide for military medical boards in their evaluation of the military fitness of aspirants.

Since there is no specific policy for officer recruitment, there is no specific policy for their retention in case of their "coming out". In principle, when it happens that some homosexual behaviour is "discovered" (or sometimes denounced), two strategies can be followed, on a pragmatic rather than a normative basis - discharge or transfer. Usually the declared reason for the adoption of one strategy or another is linked to such criteria as "medically unfit" or "job requirements", so that the underlying issue of individual homosexuality is concealed.

Such a lack of specific rules and regulations at the policy level is not considered to be disadvantageous within Italian military organisations; the question has never been raised by professionals, since the official and, evidently accepted, way of thinking is that the problem does not exist, and "exceptions" are rightly treated as "exceptions". This is very clearly stated by doctors dealing with officer aspirants; those having any "suspect" psychological and/or behavioural traits are simply not accepted. From interviews with officers in the ranks of Colonel and General, it appears very quickly that the common perspective is that "homosexuals have nothing to do with military life"; those who try to expand this prejudiced position agree that a gay officer could have problems in a hierarchical and authoritarian structure like the armed forces. The senior-subordinate relationship could be affected, because a superior could use his positional power against a subordinate, or he could lose his personal authority by risking to be blackmailed by subordinates or colleagues.

3. PRACTICES

3.1 Homosexuals and the Draft

Since 1985, the medical examination which a potential male conscript undergoes at the age of eighteen can, with reference to homosexuality, have one of three consequences.

- (i) The individual declares himself to be homosexual, producing medical and psychological documentation, or even legal or police documents, asking to be exempted from service. Then, on the basis of articles nn 40 or 41, exclusion from compulsory service will be given only in the case where the military medical-psychological unit has reached the diagnosis of "a sociopathic personality, involving a behavioural sexual deviance". This is after a clinical interview supported by psychological tests. In the view of one of the most important gay associations in Italy, the ARCI, there are good reasons to be satisfied with the treatment devoted by military authorities to gay people: Armed Forces are depicted as satisfactorily open minded and co-operative, at least as far as recruits are concerned. In interviews with some gay movement representatives, it appears that among those young men openly declaring themselves to be homosexuals the relative majority of them serves in the military with no specific problems. It is, however, necessary to stress that the phenomenon maintains an unmeasurable hidden side, and that those who come out, keeping the intention to serve as draftees, are a true minority, able culturally as well as socially to manifest their 'homosexual pride'. A substantial number ask to serve in the civil service as conscientious objectors, and only a few of them really ask for exemption by appealing to psycho-medical reasons. It must be stressed, moreover, that military authorities do not insist on enlisting homosexuals; when this happens, it is because someone does not appear to be a gay at a behavioural level. It can happen, even though rather rarely, that someone tries this way to avoid military service. This is why the possible conditions put forward are enquired into very attentively. In cases where the legal norm definition of "a sociopathic behaviour related to a deviance of sexual identity" is ascertained, then exemption "by law" is given. The spirit of the law would deny the exemption simply because of

homosexuality as a sexual preference, but would stress the individual's unfitness on account of "weak, aesthetic, alcoholic personalities, drug addiction and sexual identities deviances". On the contrary, even the self-declared homosexual would be enlisted. In reality, each case is treated separately and individually, because many different situations can occur (declared homosexuals who do not want to serve; declared homosexuals who want to serve; undeclared and discovered homosexuals who want or do not want to serve, and so on). The present position is that when homosexuality is certified, usually the individual is exempted, unless the psychological examination ascertains what is called a "syntonic homosexuality", that is to say there are no behavioural problems associated with it. The same art. 40 states that the "behavioural deviances" must be certified by police (Carabinieri) and informative action be ascertained through the criminal records office or be determined through legal documentation from some other public institution (usually the National Health Service Territorial Unit).

- (ii) Through the psychological-medical tests and interviews, a personality with "deviated sexual identity" is discovered. In this case, the person is exempted, but the assessors try to keep the reasons concealed; the only reference is to art. 40, where a number of different psychopathologies are mentioned (see above).
- (iii) Some young draftees ask to be discharged after enlistment. Usually this happens after a case has occurred and the sexual behaviour has been stigmatised or has led to some legal consequence; in both cases (and social pressures in a semi-total institution like the military can be very hard) the soldier usually asks to be discharged. It is difficult, without pertinent and deep field research, to determine in such cases how much the decision to ask for discharge is due to the hard daily life of homosexual boys within military groups or is due to the possibility of avoiding military service, which being compulsory, is not loved; if the daily life becomes difficult, the law offers an easy way out.

As can be seen, the framework in which homosexuals are considered is a medical one; homosexuality for the military is still considered as relating to the medical domain, even though the Law would not define it as a pathology per se.

3.2 When Career Personnel Come Out

As has already been said above, it rarely, or never, happens that homosexuality is clearly declared, by professional officers and NCOs or by young aspirants. When it happens that someone is "discovered", the thing is kept as hidden as possible, and reactions can vary according to the nature of the situation and the rank or status of the person involved. The choice between the two most common actions - transfer or discharge - depends very much on the situation and the rank of the person. Until some years ago, a senior officer would have been asked discretely but firmly to resign, since the situation caused problems with subordinates. Now varying practices can include more open reaction which discriminates between "public" and "private" life; if private life does not interfere with the professional status and role, then a "discrete" homosexuality is tolerated, even though never openly admitted. When these conditions are not maintained, usually the officer is transferred and everything is minimised and appeased. Much more drastic is the reaction when a cadet or a young officer is involved. A typical case is that which occurred to a young lieutenant at the end of the four year course at the Army Academy who then, voluntarily or involuntarily, came out; he was immediately discharged, notwithstanding his strong unwillingness "to resign".

Being a hidden practice, it is really difficult to distinguish between the various types of reactions; this is not to mention the tentative impossibility of quantifying the phenomenon. At an impressionistic level, supported by opinions expressed by many participating observers, the phenomenon, when it engenders one reaction or other - that is to say, when it is known - has a very small impact, so that no official position or pressure coming from the gay movement, as in the USA for example, has been raised for career personnel. In this respect, the military is considered by the gay movement to be still a world apart.

4. PROBLEMS

4.1 Changes and Perspectives in the Near Future

A tentative and comprehensive interpretation of the situation characterising the relationship between Italian armed forces and the gay question, can fruitfully make reference to a proposed typology concerning attitudes

generally defining the main practices through which the matter is dealt with. Drawing a kind of continuum of positions, from a pole where a *negative* attitude is prevalent, to an opposite pole where a *positive* attitude is present, we can imagine an intermediate position divided into two different (and probably subsequent) attitudes³: a *denial* attitude and a *neutral* attitude. In the first, *negative* position, attitudes considering homosexuality as a criminal behaviour are of course included, together with all practices of exclusion, discrimination and consideration of homosexuality as a pathological behaviour. Leaving aside the *positive* pole, where affirmative actions dealing with the integration of gays in the military are performed, and which does not pertain to the Italian case, the two intermediate positions range from pragmatic reactions and absence of official recognition of the problem, up to a *laissez faire* attitude or an acceptance of the gay condition. By considering together policies and practices, relating the draft on one side and career personnel on the other, we can see how three out of the four types of the continuum pertain to the Italian set of reactions. For career personnel, policies are totally on the negative pole, while practices range from negative to denial attitudes; for conscripts, policy can be interpreted both negatively (homosexuality as a pathological basis) and neutrally (acceptance of status), while practices can range from negative to denial (pragmatic solution case by case with no officialisation of the problem) poles.

Looking at the near future, something is going to change as far as the draft policy is concerned. The Health Division of the Italian Ministry of Defence is considering the eventual proposal of a distinction to be put into the list of diseases and imperfections causing exemption from compulsory military service, which will affect the treatment of homosexuals. The revision of art. nn 40 and 41 will introduce a distinction between a *syntonic* homosexual preference and a *distonic* homosexual preference; such a distinction will permit the regulation of what is now practically done when circumstances make it feasible. A syntonic homosexual personality means a psychologically well-structured personality with homosexual preferences which do not have any problematic consequences at the behavioural level; a distonic homosexual personality indicates, on the contrary, that unsolved problems are felt and suffered by the subject, who is not able to deal with his condition. According to this distinction, homosexuality should not be considered any more as a cause for sexual deviance or pathological behaviours, but as an apathological condition unless it is followed by evident psychological problems. In the first case, there are no longer

reasons for exemption from military service, while in the latter the exemption will be maintained. It is not possible, for the time being, to know whether such innovation will really have an impact on an eventual homosexual "normal" recruitment, or whether it will simply make easier the retention of those gays who strongly want to serve, without considering the practical personal costs (what behavioural standard will be accepted? What kind of protection from possible mocking or stigmatisation?). It is difficult anyway to imagine that a similar policy will be extended to career personnel, especially in so far as no social issue of this kind has been raised until now.

An innovation as such, could be interpreted as a shifting of policy from a negative/neutral attitude to a more definite neutral attitude, while practices could more easily shift to a neutral attitude. There will probably be, as a consequence, a better consistency between policy and practice which will cause some new and various kinds of problems. But this is still in the future.

REFERENCES

- 1 See for this comparative data: J STOETZEL, Les valeurs du temps present, PUF, Paris, 1984; and the English data treatment in S HARDING, D PHILLIPS and others, Contrasting Values in Western Europe, Unity, Diversity and Change, MacMillan, London, 1986. The Italian data is in: C CALVARUSO and S ABRUZZESE, Indagine sui valori in Italia, SEI, Torino, 1985.
- 2 For this data see: A CAVALLI and A DE LILLO, Giovani anni 80, Il Mulino, Bologna, 1988.
- 3 This typology was proposed during the 2nd meeting of the International Research Group, held in Beverley, 9-12 July 1993.

Italian Penal Code, last and revised edition by G CONSO, Guiffre, Torino, 1992

DPR n 237, February 14 1964

DPR n 496, May 28 1964

DPR n 11008, Sept 2 1985

G MAROTTA, La condizione militare in Italia. Fenominologia e problemi di devianza, vol. III, CE MI SS, Roma, 1992 (The military condition in Italy. Phenomenolgy and problems of deviance).

Selected interviews with: Two military doctors at the Torino and Rome Enlistment District of the Italian Army, Torino, mimeographed, 1993. Seven army officers, Torino Italian Army Military Academy, Torino, mimeo, 1993.

RESEARCH PROJECT
COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

THE MILITARY AND HOMOSEXUALITY
THE FRENCH CASE: A SUMMARY

Gwyn Harries-Jenkins

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

1. INTRODUCTION

American analysts and scholars have become increasingly concerned in the last few months with the political and military problems arising from the presence of homosexuals in the armed forces. Whilst this is a live issue in the United States, particularly in view of President Clinton's preference for allowing homosexuals to serve, there is little if any debate about this issue in France. Homosexuality is seen to be a private matter in people's lives, provided that it does not interfere with their work. Accordingly, this is considered in France to be a subject of marginal importance.

This is confirmed in a number of ways:

- ☐ The French military is not concerned with the question of homosexuality. There is no evidence of any research in this field. No official surveys have been carried out since 1981.
- ☐ The number of identified cases in the army is very limited (3 to 4 cases on average each year). This number has been constant for the past ten years. Very little pertinent data is available.
- ☐ The subject is thought to be embarrassing, if not taboo. Most of the time, it is confidential.
- ☐ There is no protest movement related to the issue of homosexuality in the military. The only protest which has come to light is that of the 'Comite' d'Urgence Anti-Repression Homeosexuelle' in 1981 which argued for the prohibition of all discriminatory practices against homosexuals in the military. Since then, there appears to have been no action taken in this field.

In summary, the French position is based on the development of a specific model of tolerance based on respect for the individual. This is derived from the belief that homosexuality is part of the private life of the individual as long as it does not affect the ability of the group or individual to carry out the job. Homosexuality is not seen as a crime but as a behavioural disorder. Consequently, there are no rules or regulations governing homosexuality.

2. POLICIES

2.1 Principal Forms of Homosexuality: the Army

In the absence of rigorous data, it is not possible to establish an exhaustive typology of homosexuality. The principal forms of homosexuality can, however, be distinguished.

The first type is occasional homosexuality. This arises from or is encouraged by the conventional life style of the military in a monosexual environment which is mostly all-male.

The second type is normal homosexuality. Since this is usually covert, this presents no medical problems and raises no questions of the incompatibility of homosexuality and the military life in the absence of acute illness. It has to be noted, however, that many senior military personnel contend that homosexuality and a military career are incompatible. They argue that:

- ☐ Group cohesion is weakened
- ☐ There is a risk of the individual being excluded from the group or being subject to homophobic violence
- ☐ Secondary characteristics of "femininity", emotional weakness or personality disorders, are present

The third type is pathological homosexuality. This is psychotic behaviour or perversity. This type of individual is usually identified at the recruitment centre. If not, they are detected during the 90 day monitoring of the health of new recruits in their unit. Medical discharge may be complemented by disciplinary measures if any offences have been committed.

2.2 Practices

In 1981 in response to the request of the 'Comite d'Urgence anti-repression homosexuelle', that all discriminating practices towards homosexuals in the armed force should be abolished, the Minister of Defence reaffirmed traditional policy. This argued that discrimination did

not exist. General regulations for the Army confirmed that homosexuality was not a ground for the exercise of sanctions. Accordingly, homosexuality, as such, is not proscribed. Nevertheless, regulations lay down a scale of punishment in cases where homosexual behaviour in itself is not a criminal offence. These cases included:

- ☐ behaviour which is 'outrageous'
- ☐ the involvement of a minor
- ☐ homophobic violence
- ☐ behaviour on duty, or in private, which threatens military dignity or the reputation of the armed forces.

The maximum punishment available is forty days under arrest or, after submission to a Committee of Enquiry, a transfer to non-active duty for three years.

2.3 Employment

As far as is known, most homosexual do their national service. Some will become career soldiers. The identified cases of homosexuality, however, are rare: from 150 disciplinary cases studied in 1992, only 20 cases related to homosexual offences.

At the recruitment stage, all discriminating practices are forbidden. All young people who are examined at the recruitment centre are treated equally without discrimination - even if they have declared their homosexuality on their applications. Unlike the United States, the French armed forces do not question individuals about their sexuality. The criteria of selections set out by the Service de Sante stresses:

We never ask those who want to join the armed force if they are homo or heterosexual. Subsequently, all recruits are seen by a psychiatrist. At this stage, some homosexuals will be discharged - not on the grounds of their homosexuality but because homosexuality is equated with a pathological disorder.

3. PROBLEMS

3.1 Career Development

The military hierarchy cannot be informed by the medical corps of a case of homosexuality unless the issue is brought up by the person concerned or it is a case of scandalous behaviour.

In the absence of reprehensible behaviour, homosexuality has no harmful effect on a military career. If, however, the individual soldier is evidently homosexual, he could be appointed or transferred to a position "suited" to his situation (eg., in a small office). Transfer to a regiment or a training school is avoided, although there are no laid down rules or regulations governing this. Some transfers can be deemed to be indirectly discriminatory, for they affect the career profile of the individual. The absence of regulations creates uncertainty.

3.2 Health Care

In the absence of institutional regulations, the Health Service plays a major part where pathological issues arise. The service has to approve the pathological side of homosexuality; if the latter is considered to have negative effects or influence on the social group or the military community, homosexuality can be considered as a cause of unfitness for military service.

3.3 Women in the Army

The number of women in the French Army is small. They represent only 7% of personnel at the moment, although the military is an increasingly attractive career for women.

After 1992, the status of women has drawn closer to that of men in the army. Women have the opportunity to serve in combat units. Their training is identical to that of men. They are having an increasing role in the army. The growth in the number of women in the army questions whether female homosexuality exists in the same way as the male homosexuality. It seems, however, that female homosexuality does not present any social problems, particularly in a military context. We have no

reported cases by the Health service or by the military authorities. We can explain this by the fact that these women work in a men's environment, in which their homosexuality seems to be admitted and tolerated, because it does not undermine the image of the soldier's virility. Additionally, female homosexuality is less visible.

4. INSTITUTIONAL ISSUES

In the army, "homosexuality is not flaunted"; this could mean that there are no homosexuals. In fact, homosexuality does exist, but it is hidden. An initial problem is the degree of fear experienced by these homosexuals and the effect of this on their military effectiveness. Such fear may be related to the personal situation of the individual or to the reaction of the parent group. Fear of the institutional consequences of discrimination in terms of individual career is very real.

A second difficulty is linked to the common conclusion that homosexuality in the French military is not a problem: "it is not a problem, there are no problems".

The issue is avoided both by the military institution and by individual homosexuals. The absence of regulations in this area create a high degree of uncertainty. There is, however, a very real fear that introducing regulations would legitimize homosexuals as a social group.

This was expressed by an officer in a newspaper article (Liberation, 28.4.1993). It was argued that "The military institution draws its strength from the uniformity of behaviour based on a unique and common discipline." Homosexuality cannot be accepted because this would challenge the principles which constitute its foundation. In this context, it is understandable that homosexuals cannot be accepted as a specific group in the army.

Thirdly, in terms of human relationships, the national model which underpins the French system is based on the principle of 'agreement' or "institutionalized paternalism". The system is based on a mutual respect for rules which are not formulated. As long as there are no problems between the institution and the homosexual, the 'status quo' is maintained. This, however, depends on the institution demonstrating a degree of tolerance. Furthermore, both the individual and the institution are protected by the rules and regulations. The institution can consider the homosexual as a pathological case whilst reserving the right to impose

certain sanctions; the homosexual is protected by the law which forbids discrimination.

Finally, in France, there are no organised pressure groups or individuals demanding the modification of the system which seems to satisfy everybody at the moment. Accordingly, there is no need to alter it.

5. CONCLUSION

Discrimination towards homosexuals is forbidden by law. Therefore, unless the conduct is of a scandalous nature, the homosexuality is not known and is not officially recorded, except by the medical corps (only if the person concerned declares his homosexuality).

However, the homosexuality becomes reprehensible if it is of a scandalous nature; then, the person concerned will be punished, not because of his homosexuality, but because of his behaviour which is "contrary to the accepted standards" and/or harmful to the community.

In the army, homosexuality is looked upon with disfavour by soldiers because it seems incompatible with military virtues. Moreover, this subject can be a taboo. The officers interviewed feel embarrassed about studying this question and many of them try to avoid it by means of jokes, or try to change the subject. Perhaps this is the influence of "Judeo-Christian" morals or Catholicism with its notion of guilt about the sexual questions and homosexuality. Furthermore, we have to note the influence of a "Latin" culture which is not tolerant towards homosexuality, unlike the "Anglo-Saxon" culture which is more permissive, as we can see through the media and literature. However, French society is a tolerant society. This can explain its system of the "agreement", treating tactfully issues of culture, morals and tolerance.

Nevertheless, we notice that the armed forces do not want homosexuality to be accepted in the army at a juridical level, because this could lead to legitimizing the homosexual status. There is a risk that a small minority becomes a pressure group which in seeking favourable treatment, threatens the army's mission. This can be contrasted with the position in the United States.

Consequently, the French army, in accordance with French law and the democratic practice "à la française", born of a republican system, shows an attitude of tolerance towards the individual and the individual's rights, as long as this does not

challenge the exercise of authority and the upholding of discipline.

Finally, the problem of homosexuality is quite marginal in the French army.

6. SUMMARY

In the French army, the homosexuality problem belongs to one's private life. It is not a source of concern for the French forces, because it does not exist in any movement of protest related to homosexuality in the army. The number of known cases is very limited, apart from the cases which were the subject of complaints. Moreover, to the knowledge of this article's authors, no surveys or statistics have been made on this subject.

Finally, there are no specific regulations in the medical or disciplinary framework. The authorities have a certain control in the management. Therefore, France has developed an original model, handling tactfully culture, moral and adaptation issues.

In France, homosexuality is not considered as a crime or disease, but as a behaviour disorder. It is not the homosexuality itself which is sanctioned, but its consequences in the same way as the reprehensible consequences of a heterosexual behaviour. The homosexual practice is not considered as reprehensible in itself. Thus, at recruitment, a discriminatory attitude towards homosexuals is forbidden.

Furthermore, in accordance with the principle of the draft and of the universal obligation, homosexuals and conscripts cannot be refused to serve the army. If the person concerned has not declared his homosexuality or has not been "spotted" as a "homosexual" by his behaviour, then he can have a normal life.

Only "reprehensible behaviour" will lead to sanctions towards the individual.

Finally, the Health Service, although it has no particular brief, plays a major part in avoiding conflict within the institution. Furthermore, women in the army, a recent phenomenon, do not seem "a priori" to cause problems. Consequently, torn between the concern of a certain tolerance of the private life's protection, the influence of the "Judeo-Christian" moral associated to its "Latin" culture and the missions peculiar to the army, France develops an original attitude towards the homosexuals, as long as they do not question the exercise of authority and discipline.

RESEARCH PROJECT
COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

ARMEE ET HOMOSEXUALITE
"THE FRENCH AGREEMENT"

Gilles Robert
and
Louis Michel Fabre

January 1994

United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.

Approved for Public Release; Distribution Unlimited.

TABLE DES MATIERES

Résumé

Introduction

1. Principales formes d'homosexualité dans l'armée
2. L'interdiction de toute pratique discriminatoire
 - 2.1 La politique du ministère de la défense
3. Les aspects pratiques
 - 3.1 La sélection lors du recrutement
 - 3.2 Le déroulement de carrière
 - 3.3 Le rôle du Service de Santé
 - 3.4 Les femmes dans l'armée
4. L'évitement institutionnel
 - 4.1 Un premier constat : l'homosexualité cachée
 - 4.2 Un second constat : la réserve institutionnelle
 - 4.3 Le modèle de "l'arrangement"

Conclusion

Références

RESUME

Dans les armées françaises, le problème de l'homosexualité est du ressort de la vie privée. Ce n'est pas une source de préoccupations pour les militaires français, d'autant qu'il n'existe pas actuellement de mouvement revendicatif relatif à l'homosexualité dans les armées. Le nombre d'affaires connues est très limité, car en fait ne sont retenues que celles ayant fait l'objet d'une plainte. De plus, à la connaissance des auteurs de cet article, aucune étude ni aucune statistique n'ont été faites sur ce sujet. Enfin, il n'existe pas de directive spécifique établie, tant sur le plan médical que disciplinaire, ce qui laisse au commandement, une certaine marge de manoeuvre en ce qui concerne la conduite à tenir. Aussi la FRANCE, a-t-elle développé un modèle original, ménageant à la fois culture, morale et adaptation.

Fait important à souligner en FRANCE, l'homosexualité n'est pas considérée comme un délit, ni comme une trouble du comportement.

Après avoir essayé de définir les différentes catégories d'homosexualité que l'on peut trouver dans les armées, et montré que ce n'est pas la pratique homosexuelle elle-même, qui est sanctionnée, mais ses conséquences de la même façon que le seraient les conséquences répréhensibles d'un comportement hétérosexuel, l'étude présente les aspects pratiques de l'attitude de l'armée à l'égard des homosexuels.

La pratique homosexuelle n'est pas considérée comme répréhensible en soi. Ainsi, au moment du recrutement, il est établi que toute attitude discriminatoire à l'égard des homosexuels est interdite. Par ailleurs, en vertu du principe de la conscription et de l'obligation universelle, toute recrue, y comprise l'homosexuel, ne se voit pas refuser le droit d'accomplir son service national. Sur le plan du déroulement de la carrière, si l'intéressé ne s'est pas déclaré, ou qu'il n'a pas été "repéré" comme "homosexuel" par son comportement, rien ne l'empêchera d'avoir des affectations ou des activités tout à fait normales.

Seul un "comportement répréhensible" ayant une répercussion sur l'aptitude de l'unité ou du corps à remplir sa mission, ou "portant atteinte au renom de l'armée" par une "attitude scandaleuse" entraînera une sanction à l'encontre de l'individu. Enfin, il est montré comment le Service de Santé, bien que n'ayant aucune directive particulière, joue en permanence, un rôle majeur, permettant à l'institution d'éviter le conflit, en assurant à la fois le rôle de filtre et de récupération en cas de problème. Enfin la présence des femmes dans l'armée, phénomène récent, est abordée très rapidement, car, mieux tolérée, ne semble pas poser "a priori" de problèmes majeurs.

Une première approche d'ordre sociologique présente le modèle de "l'arrangement", qui nous paraît caractériser le système français et s'appliquer à l'homosexualité, avec ses moyens de régulation et de protection des droits, mais aussi la nécessité des devoirs de chacun.

En définitive, finalement partagée entre le souci d'une certaine tolérance, de la protection de la vie privée, des influences de la morale judéo-chrétienne associée à sa culture latine, et les missions propres aux armées, la FRANCE développe une attitude originale à l'égard des homosexuels pour autant qu'ils ne remettent pas en cause l'exercice de l'autorité et le maintien de la discipline, fondement de la capacité opérationnelle des unités.

INTRODUCTION

Les problèmes liés à l'homosexualité dans les armées ont considérablement agité les milieux américains, politiques et militaires, ces derniers mois, avec le souci exprimé par le président CLINTON d'autoriser les homosexuels déclarés, à servir dans les unités de l'armée américaine. Toujours vif aux ETATS UNIS, ce débat n'a rencontré qu'un faible écho en FRANCE où il a, semble-t-il, été peu pris en considération. En tout cas il a été apprécié, dans la manière où il a été traité, comme une affaire spécifique à la société américaine.

Il est vrai que la question de l'homosexualité en FRANCE, et à plus forte raison dans les armées, n'est abordé qu'avec retenue dans la mesure où elle est considérée comme ressortant de la vie privée des personnes tant que cette pratique n'a pas de répercussions sur l'aptitude du groupe à remplir sa mission. C'est pourquoi, on peut estimer qu'en FRANCE, ce sujet qui reste marginal, est appréhendé de manière spécifique.

Avant d'aller plus loin, nous nous s'attacherons à faire quelques constats préalables.

- Tout d'abord, il apparaît que l'homosexualité n'est pas une source de préoccupation pour les militaires français, tant pour le commandement que pour les acteurs militaires, ni pour les hommes politiques ou les médias. Nous n'avons trouvé aucune trace d'étude de quelque nature que ce soit sur cette question. Les fiches ou textes de caractère "officiel" auxquels nous avons pu avoir accès, remontent à 1981.
- Ensuite, le nombre d'affaires identifiées au niveau de l'Etat-Major de l'Armée de Terre comme relevant de l'homosexualité dans le cadre du service reste très limité, pour autant qu'on puisse l'appréhender. Ceci tient au fait qu'il n'existe pas de données statistiques relatives à cette question et, qu'en plus, les affaires liées à l'homosexualité sont regroupées dans le barème disciplinaire qui figure dans le règlement de discipline générale dans la rubrique "moeurs", qui englobe lui même l'ensemble des affaires d'ordre sexuel (viols... outrage à la pudeur... harcèlement sexuel... etc.)
- Par contre, nous avons constaté qu'il s'agissait d'un sujet qui gêne, à la limite du "tabou", et qui, la plupart du temps, reste tout à fait confidentiel. Nous avons pu le mesurer à la lumière des difficultés que nous avons rencontrées pour réunir quelques informations relatives à ce sujet ; ou encore à l'interdiction orale qui nous a été rapportée faite à certains spécialistes du corps médical, psychiatre

notamment, de faire une étude sur "les conduites sexuelles dans les Centres de Sélection".

- Enfin, nous avons pu vérifier qu'il n'existe pas actuellement d'association, ou de mouvement à caractère revendicatif, individuel ou collectif, relatif à l'homosexualité dans les armées. La seule action que nous ayons pu identifier remonte à un mémoire transmis à l'été 1981 au cabinet du Premier Ministre par une association dite "Comité d'Urgence Anti Répression Homosexuelle" qui réclamait l'interdiction de toute pratique discriminatoire à l'égard des homosexuels dans les armées. Depuis nous n'avons plus trouvé de traces d'action sur ce sujet. En FRANCE, les articles de presse récents trouvent leur origine dans la situation américaine et la polémique en cours aux Etats Unis ; à cette occasion ils mettent l'accent sur la tolérance et la réserve de la position française.

Au cours de cette présentation, nous chercherons à montrer qu'en matière d'homosexualité, les Forces Armées en FRANCE développent un modèle spécifique fondé sur le respect de la personne, et qui considère que l'homosexualité relève de la vie privée aussi longtemps qu'elle n'a pas de répercussion sur l'aptitude de l'unité ou du corps à remplir sa mission. Néanmoins, il n'exclut pas certaines pratiques discriminatoires, par exemple par le biais de la médicalisation, rendue possible par l'absence de règles dans ce domaine.

Pour cela nous étudierons les aspects médicaux puis réglementaires de la prise en compte de l'homosexualité ; et l'on se concentrera sur la pratique en vigueur et la régulation institutionnelle.

L'homosexualité n'est pas considérée comme un délit, mais comme un trouble du comportement. C'est ainsi qu'il n'existe ni statut juridique concernant l'homosexualité, ni dispositif réglementaire "ciblé" sur les homosexuels ou la pratique homosexuelle. Par contre, on observe en pratique, une façon "détournée" de traiter disciplinairement et, in fine, pénalement, les comportements jugés scandaleux liés à l'homosexualité.

1. PRINCIPALES FORMES D'HOMOSEXUALITE DANS L'ARMEE

Faute de données rigoureuses, il ne s'agit pas ici de présenter une typologie exhaustive de l'homosexualité dans les armées, mais d'en décrire les formes principales que nous avons pu distinguer.

La première est l'homosexualité à caractère occasionnel, révélée ou favorisée par

un mode de vie communautaire d'où l'autre sexe est majoritairement exclu, puisque l'Armée peut être considérée comme un milieu "monosexué" voire, dans sa majorité, "homosexué".

Son expression peut revêtir 2 aspects :

- L'homosexualité révélée à caractère individuel, par prise de conscience d'une homosexualité refoulée, et qui surgit à l'occasion d'une situation où l'intéressé(e) se retrouve de par les circonstances (dans les douches collectives par exemple... vie sous la tente...) confronté à un facteur déclenchant. La réaction de l'individu sera alors fonction de ses résistances conscientes et inconscientes.
- L'homosexualité favorisée par des circonstances particulières (soirée "arrosée"...) où surgira dans le groupe une homosexualité inconsciente collective qui prendra la forme de "brimades collectives" au détriment de personnalités plus faibles.

Le "folklore militaire" fourmille de ce genre de comportements ou d'allusions qu'il convient de relativiser. Certaines de ces pratiques sont quelque fois "justifiées" par leurs auteurs par référence à la tradition ou au "bizutage". Dans ce sens, l'homosexualité peut renvoyer à un "vécu" sexuel inconscient des "dominateurs", et constituer ainsi un exutoire légitimé par le contexte collectif.

Lorsqu'elles parviennent à la connaissance du commandement, ces pratiques, de par leur caractère outrancier et "d'atteinte aux bonnes moeurs", sont sévèrement sanctionnées, comme on le verra par la suite.

On distinguera une deuxième forme qui est : l'homosexualité "normale" - la plupart du temps parce que sans extériorisation - qui constitue une tendance profonde et consubstantielle de l'individu. Celle-ci n'est même pas connue de l'entourage. Tant qu'elle n'est pas source de "souffrance", avec ou sans une traduction comportementale, elle ne relève pas du domaine médical et ne pose pas de problème de compatibilité avec la vie militaire. A ce titre il existe vraisemblablement, un certain nombre d'homosexuels dans l'armée comme dans la société qu'elle représente. Leur nombre est impossible à saisir dans la mesure où ils ne posent pas de problèmes puisqu'ils ne font l'objet d'aucune statistique médicale ou disciplinaire.

Cependant, on a pu observer que certains chefs militaires se posaient “à priori” la question de sa compatibilité avec la vie militaire. Selon eux : “elle pourrait entraîner au regard du fonctionnement quotidien des unités, une attitude de rejet ou des risques éventuels de violence (dont elle pourrait être à l’origine), voire même de certains comportements secondaires inhérents à une forme apparente de “féminité”, de fragilité émotionnelle, ou de troubles de la personnalité.”

Enfin, on citera aussi l’homosexualité pathologique des personnes qui s’inscrivent dans un contexte psychotique ou pervers. Cette catégorie d’individu est en général dépistée au niveau des centres de sélection. Si tel n’était pas le cas, ils sont très vite “repérés” dans les unités, dans la période d’observation de 90 jours (période pendant laquelle toute recrue peut voir sa catégorisation médicale être modifiée et voire même son aptitude remise en cause jusqu’au processus de réforme, sans que l’armée puisse en être tenue pour responsable) et réadressés en consultation médicale à un psychiatre militaire puis réformés. Ceci est fait parallèlement à la démarche disciplinaire et/ou pénale s’il y a eu conduite délictueuse et plainte.

2. L’INTERDICTION DE TOUTES PRATIQUES DISCRIMINATOIRES

2.1 La Politique du Ministère de la Défense

En 1981, suite aux demandes du “Comité d’Urgence Anti Répression Homosexuelle”, “d’interdire toutes pratiques discriminatoires à l’égard des homosexuels dans les armées”, le ministre de la défense a réaffirmé que de telles mesures n’existaient pas dans les armées. En effet le Règlement de Discipline Générale dans les armées (application à l’Armée de Terre) (1) ne retient pas l’homosexualité comme motif spécifique susceptible d’entraîner des sanctions disciplinaires.

De fait, l’homosexualité n’est pas répréhensible ni réprimée en tant que telle. Aucun document de nature normative ou réglementaire ne prend ce critère en considération. Il n’existe pas de directive établie par le commandement sur ce sujet. La règle d’asexualité est imposée à tous, dans les enceintes militaires sans distinction ou discrimination.

Toutefois, le Règlement de Discipline Générale prévoit certaines sanctions directement appliquées par le commandement, selon un barème identique pour tous, et placé hors du champ administratif. Si le comportement homosexuel n’est jamais incriminé en lui même, il peut l’être par ses

conséquences, par référence aux motifs suivants :

- "Comportement scandaleux", (motif : 6.21)
- "Atteinte grave aux bonnes moeurs" ou simplement "atteinte aux bonnes moeurs" (motifs : 6.01 et 6.02).

L'homosexualité n'est ainsi passible de sanction que si "elle se manifeste tant à l'égard d'un mineur, que d'un individu majeur, avec violences."

En outre, si elle est affichée de manière démonstrative par un militaire avec d'autres militaires, en particulier des subordonnés, et à fortiori de militaires du rang, elle peut tomber sous le coup des motifs (2.21 et 2.22) :

- "Comportement en service ou en privé susceptible de porter atteinte ou gravement atteinte à la dignité militaire ou au renom de l'armée".

Ainsi, le traitement disciplinaire évoqué n'est pas appliqué au délit d'homosexualité, mais "au comportement scandaleux", à "l'atteinte aux bonnes moeurs" ou à "l'atteinte à la dignité ou au renom de l'armée" au même titre qu'un comportement hétérosexuel. Ces sanctions militaires ne préjugent pas des sanctions pénales qui peuvent être consécutives au dépôt d'une plainte pour sévices ou violences.

Nous avons d'ailleurs constaté que les seules "affaires connues" faisaient suite à une plainte déposée par la "victime" et étaient donc l'objet d'une enquête de gendarmerie et de rapports des autorités hiérarchiques, versés par la suite dans les dossiers des intéressés. Ceci peut expliquer, en soi, le petit nombre de cas recensés par l'Etat-Major de l'Armée de Terre.

Appliqué au le personnel de carrière dans le cadre des motifs exposés ci dessus, le traitement disciplinaire maximum a été pour les intéressés de 40 jours d'arrêt avec, après avis d'un conseil d'enquête composé de pairs et décision du ministre de la défense, mise en non activité par retrait d'emploi pendant trois ans (dans le cadre d'une mesure statutaire). Les personnels concernés sont ensuite réintégrés normalement en service, mais on peut penser que leur carrière est compromise par ces sanctions.

3. LES ASPECTS PRATIQUES

D'après un rapport paru en 1993 sur "Les comportements sexuels en France" de SPIRA, BAJOS et A.C.S.F (2), les femmes déclarent plus souvent une "attirance sexuelle" pour quelqu'un du même sexe que les hommes (6,6 % contre 4,6 %). Par contre, en ce qui concerne "le passage à l'acte", c'est-à-dire "déclarant avoir eu au moins un rapport avec une personne du même sexe", la tendance s'inverse (4,1 % pour les hommes contre 2,6 % pour les femmes)

L'Armée étant sur le plan sociétal un reflet de la Nation, il n'est pas impossible de situer aux alentours de ce chiffre le nombre d'homosexuels dans l'Armée. Mais il n'est pas possible de le vérifier précisément, dans la mesure où il n'existe aucun questionnaire ou études dans lesquels apparaissent les affinités sexuelles des individus.

Pour autant qu'on le sache, la plupart des homosexuels font leur service militaire et certains peuvent être militaire de carrière sans que cela ne se sache ni ne se voie. Les cas identifiés sont très rares : sur 15000 dossiers disciplinaires environ traités en 1992, et qui représentent actuellement le seul moyen concret d'appréhender le problème, seuls 20 cas relatifs aux mœurs sexuelles ont pu être recensés.

3.1. La Sélection lors du Recrutement:

Toute attitude discriminatoire à l'égard des homosexuels est interdite au niveau du recrutement.

Nous écarterons de notre propos le transsexualisme et le travestissement parce qu'ils relèvent du domaine pathologique. On précisera simplement, à titre indicatif, que les quelques "travestis" qui se présentent au Centre de Sélection, de l'ordre de 10 à 20 cas par an, sont dirigés directement vers la division médicale avec une forte probabilité, après vérification, d'être déclarés inaptes au service militaire et rapidement exemptés.

Tous les jeunes gens examinés au Centre de Sélection en vue de l'accomplissement du Service National ou en vue d'un engagement, sont traités de manière identique, sans discrimination d'aucune sorte, y compris ceux qui se déclareraient - au moins au médecin - homosexuels. Ainsi, en FRANCE, il n'est pas question comme c'était le cas aux ETATS UNIS

d'interroger un candidat, même à l'engagement, sur sa sexualité, et donc de l'identifier en tant qu'homosexuel .

Les critères de sélection restent, dans ce domaine, à l'appréciation du Service de Santé.

"Nous ne demandons jamais à ceux qui veulent s'engager s'ils sont hétéros ou homos". (officier de la Direction du Service National)

Nous préciserons que, lors des opérations de sélection, tous les candidats à l'engagement sont "vus" par un psychiatre contre seulement 40% des personnels appelés.

Pour ce qui concerne les engagés, il y a donc un filtre au travers duquel, certaines personnalités pathologiques peuvent passer. En cas de problème identifié par la suite, il leur est conseillé d'être suivi médicalement dans le cadre d'un traitement psychothérapique de longue durée. Si à ce stade, quelques homosexuels, engagés ou appelés, peuvent être éliminés, ce n'est pas en raison de leur homosexualité, mais plutôt d'affections plus importantes dont l'homosexualité ne serait qu'un signe clinique de la pathologie.

Par ailleurs, dans les 10 jours qui suivent leur passage dans un centre de sélection, les appelés qui estimerait que leur problème médical ou psychologique n'a pas été pris en compte, peuvent demander à passer devant une Commission Locale d'Aptitude (C.L.A.) pour que leur cas soit réétudié. Cette commission comprend un psychiatre militaire qui peut recevoir les intéressés dans des conditions plus adaptées de temps, de lieu et d'anonymat. A titre d'exemple, lors de la session récente d'une Commission Locale d'Aptitude (1993), 3 sujets sur les 19 qui se sont présentés ont été réformés pour "trouble de l'identification sexuelle".

D'une façon générale, sur le plan médical, les propositions d'aptitude ou d'inaptitude sont toujours formulées à partir de critères médicaux. Ces derniers sont établis en fonction de règles édictées par la Direction Centrale du Service de Santé des Armées. Par contre, il n'existe aucune règle médicale en matière d'homosexualité. En conséquence et en raison du secret médical, la Direction Centrale du Service National n'a aucune connaissance des cas d'homosexualité découverte ou même déclarée par

les intéressés.

Il semble que les quelques jeunes qui se déclarent homosexuels soient proposés pour une exemption à l'issue des examens médicaux. Ceci est vrai en particulier pour les appelés dont l'homosexualité s'inscrit dans un cadre pathologique incompatible avec la vie en collectivité militaire. De plus, la décision d'exemption est prononcée car la prise en charge thérapeutique n'est pas possible. Le traitement "au long cours" qu'elle nécessite est incompatible avec la durée du service militaire à 10 mois. Dans ce cas le motif de l'exemption est toujours médical ("problèmes relationnels découlant de leur situation ou de la structure de leur personnalité"). La classification "d'homosexuel" n'existant pas, les jeunes recrues sont en général répertoriées dans la colonne "P3" ou "P4" (Parmi les critères de sélection, le profil psychologique est apprécié par le médecin ou le psychiatre, allant de la cotation 0 (non vu par un psychiatre) au niveau 5 (les cotations de 3 à 5 entraînant une exemption). qui regroupent les motifs d'incapacité pour troubles psychologiques. Ils sont donc impossible à identifier en tant que tel.

Au surplus, eu égard au principe de la conscription et de l'obligation universelle du service qu'elle implique, un jeune qui se déclare homosexuel et qui désire faire son service militaire, ne se voit pas refuser le droit d'accomplir son service national. Dans ce sens l'homosexualité ne peut justifier, par elle même, une règle dérogatoire et dispenser du service ceux qui s'en réclament. Ceci vise à réduire les tentatives de réforme par le biais de la simulation d'une conduite homosexuelle.

"Il est de notoriété publique qu'on n'est pas réformé pour ça" (médecin)

En outre, la pression sociale à l'égard de l'accomplissement du service national et à la conformité est forte :

"les jeunes savent bien aujourd'hui, qu'il n'est pas conseillé de s'engager dans la vie active avec sur son curriculum vitae une indication de réforme pour motif psychiatrique. Cela fait désordre lors d'un entretien d'embauche". (officier du Service National)

Au bout du compte on peut se demander ce qui peut conduire un homosexuel à s'engager dans l'armée, ou un jeune appelé à vouloir y

effectuer son service militaire en dehors du fait qu'il y soit contraint par la loi. On passera rapidement sur les motivations à caractère pervers pour avancer plutôt l'hypothèse de la recherche d'une surcompensation permettant à l'intéressé de pouvoir être identifié comme un homme "normal". Dès lors, on peut penser qu'il se comportera comme un homme "normal" et effectuera ses activités ou son service sans problème particulier et sans attirer l'attention. De plus, on peut penser que dans le cadre de la notion de "dominant - dominé" ou "actif - passif", tels qu'ils sont définis dans le livre de J. CORRAZE "L'homosexualité" (3), ce serait plus les homosexuels de type "dominant-actif" - plus "virils"- qui s'intégreraient le mieux dans la structure "homosexuée" de l'armée, où ils peuvent y trouver une sorte de sécurisation.

A l'issue de leur passage au centre de sélection, aucune mention relative à l'homosexualité d'un individu ne figure sur les états destinés aux bureaux du Service National chargés des affectations. Un(e) homosexuel(le) peut donc être affecté(e) dans n'importe quelle formation.

3.2. Le Déroulement de Carrière

Le commandement ou la hiérarchie ne peuvent être informés d'un cas d'homosexualité que dans la mesure où celui ci est, soit reconnu ou mis en avant par l'intéressé vis à vis du commandement ou de son bureau d'armes (par exemple par un personnel de carrière) soit s'il se traduit par un comportement scandaleux et tombe sous le coup des motifs de sanctions inventoriés par le règlement de discipline générale.

Dans le premier cas, en l'absence de comportement répréhensible, l'homosexualité est sans influence sur la situation professionnelle du militaire. Par contre, en cas de "repérage" par son comportement, comme nous avons pu le constater, le soldat ou le cadre concerné est affecté ou peut être muté, dans un poste "adapté" à sa situation et défini en liaison avec sa hiérarchie et le milieu médical (poste en état major, ou dans une petite cellule de travail). On évite toute mutation en régiment ou en école de formation, mais là encore, il n'y a pas de texte prescrivant de règles particulières.

On doit se demander, cependant, dans quelle mesure cette attitude ne peut être considérée comme indirectement discriminatoire. En effet, l'affectation

“adaptée” pourrait très bien être jugée comme dévalorisante sur le plan de la carrière, soit par l’individu, soit par l’institution. Dans ce sens, l’absence de réglementation génère une zone d’incertitude qui paraît donner une marge de manoeuvre à l’organisation.

Dans le second cas, lorsqu’il s’est produit un “comportement répréhensible” suivi d’une punition, la carrière du personnel concerné sera affectée en fonction de la gravité de la sanction. Celle-ci est prononcée au même titre que l’importance de la faute et non pas sur un critère d’homosexualité (allant de jours d’arrêts, à une mutation disciplinaire, voire jusqu’au retrait provisoire d’emploi).

3.3 Le Rôle du Service de Santé

En l’absence de toute règle institutionnelle, et bien qu’il n’ait pas formulé de politique propre en la matière à son niveau, le Service de Santé joue un rôle majeur et devient le principal acteur à partir du moment où le côté pathologique de l’affection prédomine.

Nous avons vu que l’homosexualité n’était pas considérée comme une maladie mais comme un symptôme inclus dans les troubles de la personnalité, ou d’une affection psychique plus grave. C’est pourquoi, la prise en compte de l’homosexualité relève du domaine médical et plus particulièrement du psychiatre dans les conditions citées précédemment.

Il revient donc au Service de Santé, et à lui seul, d’apprécier si l’homosexualité affichée de manière ostensible présente un caractère pathologique, et si elle peut avoir un retentissement ou une influence vécue comme “négative” par le groupe social élémentaire immédiat ou, au sens plus large, par la collectivité militaire. L’homosexualité peut alors, dans ce cas là, être considérée comme une cause d’inaptitude au service.

“Lors de la sélection qui précède le service, nous tentons toujours de savoir si l’homosexualité déclarée par un appelé ne risque pas d’entraîner des troubles du comportement ou des difficultés d’adaptation à la collectivité militaire. Si cela était découvert après sa sélection, nous nous arrangerions pour écarter son service dans les plus brefs délais”. (médecin)

Dès lors, au moins dans les forces armées, il nous apparaît que, plus que l'homosexualité en elle-même, c'est la relation de l'homosexuel avec son environnement qui pose problème (par son influence sur le groupe).

3.4 Les Femmes dans L'Armée:

Comme l'écrit E. REYNAUD dans "Les femmes, la violence et l'armée" (4) :

"La question des femmes dans l'armée ne relève plus de la spéculation".

Leur nombre reste cependant relativement réduit puisqu'elles ne représentent que 7 % des personnels ctive de l'Armée de Terre. On note cependant aujourd'hui un fort attrait au niveau du recrutement puisque le taux de sélection se situe entre 1 pour 12 et 1 pour 16.

Autrefois cantonnées dans des emplois d'Etat-major et de Services, une série de décisions gouvernementales, depuis 1982, a sensiblement rapproché la situation des femmes dans l'armée de celle des hommes, au point que ces dernières se sont vu ouvrir la possibilité de servir en unité de combat. Leur formation est identique à celle des hommes. Elles occupent une place et un rôle croissant dans l'Armée de Terre.

Dans ce contexte, l'accroissement du nombre des femmes dans l'armée peut laisser penser qu'aujourd'hui, l'homosexualité féminine existe au même titre que l'homosexualité masculine. On rejoint là les conclusions du rapport SPIRA. Mais il semblerait qu'elle pose beaucoup moins de problème au sens social en général, et au milieu militaire en particulier, comme semble l'indiquer l'absence de cas signalés par le Service de Santé ou par les autorités hiérarchiques.

Ceci pourrait s'expliquer au regard de ce que ces femmes évoluent dans un milieu d'hommes, dans lequel leur homosexualité paraîtrait mieux admise et peut être mieux tolérée car ne portant pas atteinte à la virilité qui caractériserait le soldat. Mais aussi, parce qu'elle paraîtrait moins visible, du fait qu'il n'y a pas, à notre connaissance, de dossier disciplinaire féminin pour ce motif.

4. L'EVITEMENT INSTITUTIONNEL

4.1 Un Premier Constat: L'homosexualité cachée

Dans l'armée, "l'homosexualité ne s'affiche pas", ce qui pourrait faire dire à certains qu'il n'y a pas d'homosexualité. Ce serait se voiler la face sur un problème qui, pour aussi marginal qu'il soit, existe de fait. Par contre, on peut légitimement s'interroger sur les causes de ce comportement de la part des homosexuels. Faute d'enquêtes approfondies, nous nous limiterons à soumettre à votre réflexion quelques hypothèses non exclusives les unes des autres, qui auraient en point commun le sentiment de crainte .

4.1.1 Crainte par rapport à sa situation personnelle:

- par crainte pour beaucoup d'homosexuels, de voir leur vie privée être connue de leur entourage ;
- ensuite, par crainte de ne pas être reconnu comme "homme" (hypothèse de la surcompensation).

4.1.2 Crainte par rapport aux réactions du groupe élémentaire d'appartenance :

- crainte d'être pris pour le "bouc émissaire", crainte des moqueries, de faire l'objet de sévices ou de représailles, en particulier dès l'arrivée, dans le cadre du "bizutage" ;
- crainte de la marginalisation dans le groupe élémentaire : crainte du risque de rejet, et de se retrouver ainsi dans une situation d'isolement.

4.1.3 Crainte des conséquences institutionnelles:

- crainte d'une discrimination dans la mesure où les homosexuels peuvent penser que leur comportement pourrait avoir une influence sur leur affectation, leur emploi, leur déroulement de carrière d'autant qu'il n'existe ni mouvement, ni association (comme dans certains pays étrangers) ni groupes reconnus représentatifs des

homosexuels au sein de l'institution militaire. Ils sont donc placés dans une situation où ils ne peuvent faire référence à aucune légitimité.

4.2 Un Second Constat: La Réserve Institutionnelle

"Ce n'est pas un problème, il n'y a pas de problèmes" entend-on dire souvent. En fait, il semblerait que la question soit évitée ou au moins occultée, à la fois par l'institution, qui se ménage "une marge de manoeuvre", mais peut-être aussi par les homosexuels eux-mêmes.

Il n'est pas question de faire un procès d'intention à l'institution pour laquelle il est bien clair que ce problème est du ressort de la vie privée des individus, pour autant qu'il n'entraîne pas de répercussions sur l'exécution du service.

Il n'existe pas de réglementation dans ce domaine. Cette situation génère une zone d'incertitude dans laquelle l'institution trouve la marge de manoeuvre qui lui permet de régler chaque affaire au cas par cas, en fonction de ses intérêts propres, et de ceux de l'individu. Mais l'absence de règles écrites peut prendre un autre sens, car une réglementation pourrait constituer une reconnaissance du phénomène, générer certains des conflits et "in fine", par le biais d'un statut, arriver à légitimer les homosexuels en tant que groupe social.

C'est ce que exprime un officier général dans un article de presse récent (1993) (5) en écrivant:

"Or l'institution militaire puise une partie de sa force dans l'uniformité des comportements, elle-même fondée sur une discipline unique et commune. Toute activité sexuelle quelle qu'elle soit, ou toute tentative de se voir octroyer, dans ce contexte, un statut particulier du fait d'une pratique sexuelle particulière ne peut être admise. En effet, c'est remettre en cause les principes même qui constituent ses fondements. Dans ce contexte on comprend que les homosexuels ne puissent être reconnus en tant que communauté spécifique au sein des armées et à plus forte raison dans les enceintes militaires."

Enfin, pour les homosexuels eux-mêmes, on peut se demander si, dans la situation actuelle et compte tenu du contexte social Français, le fait de ne pas être organisé en groupe particulier, finalement leur évite d'être marginalisé et de se trouver en situation d'exclusion "de fait".

4.3 Le modèle de "l'arrangement"

Cette situation peut être considérée comme caractéristique du modèle relationnel sur lequel repose le système français qui fonctionne, en partie, sur le principe de "l'arrangement" ou encore du "paternalisme institutionnalisé".

En réalité, le système se régule par un compromis implicite basé sur le respect mutuel de règles non formulées. En clair, tant qu'il n'y a pas de problèmes entre l'institution et les homosexuels, chacun respecte un "statu quo". Mais il se régule aussi par une certaine tolérance de l'institution. Celle-ci se traduit par la prise en compte de l'homosexualité dans le cadre de l'affectation et de l'emploi.

Par ailleurs, l'institution comme l'homosexuel sont relativement protégés ; pour l'institution par la possibilité, de médicaliser l'homosexualité, si elle se traduit sur un plan pathologique, tout en conservant aussi la possibilité d'agir disciplinairement si la faute entre dans le cadre des motifs cités plus haut ; pour les individus par la sécurité que leur confère la loi portant statut des militaires, et qui les garantit de toute exclusion systématique.

Enfin, et ceci caractérise peut-être la FRANCE actuellement, il n'existe pas, de groupes de pression organisés ou d'individus, réclamant la modification du système en place qui semble, pour le moment, donner satisfaction. On peut donc penser qu'il n'y ait pas lieu de le modifier.

CONCLUSION

Les problèmes liés à l'acceptation des homosexuels dans l'armée française ne se posent pas en droit puisque toute discrimination à leur égard est interdite. Aussi, sauf manifestation à caractère scandaleux, l'homosexualité n'est ni connue, ni répertoriée officiellement, sauf par le corps médical, et encore, sur la seule déclaration de l'intéressé.

Ce n'est que lorsqu'elle revêt un caractère scandaleux qui s'oppose à l'exercice de l'autorité et au maintien de la discipline qu'elle devient répréhensible, et que l'individu concerné se voit alors justiciable d'une sanction liée non pas à son homosexualité, mais au fait que son comportement est "contraire aux bonnes mœurs" et/ou nuisible à la collectivité.

On observe cependant, que cette question suscite chez les militaires diverses réticences. D'une part, l'homosexualité est mal perçue dans la mesure où, pour une majorité, elle paraît incompatible avec les vertus militaires, dans un milieu qui, tout en cultivant la virilité, est homosexué. D'autre part le sujet n'est pas loin d'être tabou. Les cadres interrogés sont gênés de devoir traiter cette question et beaucoup cherchent à l'éviter par le biais de plaisanteries, ou du changement de sujet. Peut-être faut-il voir là une influence de la morale judéo chrétienne, voire du catholicisme avec ses notions de culpabilisation introduites autour des questions relatives à la sexualité en général, et de l'homosexualité en particulier. D'autre part, tout en voulant - dans un souci réel - préserver la vie intime des individus, s'ajoute l'influence de la culture latine dont on sait qu'elle est peu tolérante à l'égard de l'homosexualité, à la différence de la culture anglo-saxonne considérée comme plus permissive dans ce domaine, telle qu'on peut l'apprécier au travers de la littérature et des médias. Cependant la société française est une société tolérante, ce qui peut expliquer son système de "l'arrangement" ménageant à la fois, culture, morale, et tolérance.

On observera toutefois que, d'une manière générale, les militaires ne souhaitent pas voir reconnue de quelque manière que ce soit, et en particulier sur le plan juridique, l'homosexualité dans les armées. Cela pourrait en effet conduire à reconnaître et légitimer le statut d'homosexuel ce qui pourrait entraîner le risque de voir une très petite minorité de personnels s'ériger en groupe de pression, à la recherche d'une reconnaissance et d'une identité sociale. Ce groupe pourrait exiger "ipso facto" un traitement particulier. Or, ceci pour les militaires paraît en contradiction ou étranger à la mission des armées. On se trouve là dans une situation tout à fait opposée à celle des Etats Unis par l'approche qu'en donne les articles de presse français.

Ainsi, l'armée française, en cohérence avec le droit français et la pratique démocratique "à la française" issu d'un système républicain, développe une attitude originale faite de réserve et de tolérance à l'égard du respect de la personne et des droits des individus, pour autant qu'elle ne remette pas en cause l'exercice de l'autorité et le maintien de la discipline, fondements de la capacité opérationnelle des unités.

Finalement, ce problème de l'homosexualité reste, actuellement, dans l'armée française tout à fait marginal.

REFERENCES

- (1) ETAT MAJOR DE L'ARMEE DE TERRE : " Règlement de discipline générale dans les armées" (application à l'armée de terre)
- (2) SPIRA . A , BAJOS . N, Groupe A.C.S.F. "Les comportements sexuels en France" (Analyse des Comportements Sexuels en France) Collec.: La documentation Française 1er trimestre 1993
- (3) CORRAZE . J, "L'homosexualité" collection : "Que sais je " Presse Universitaire Française 1985
- (4) REYNAUD .E "Les femmes, la violence et l'armée" collection: Fondation pour les Etudes de la Défense Nationale 1988
- (5) GUIREC DONIOL "Clinton, ses armées, ses gays et nous " in Libération le 28.4.1993

RESEARCH PROJECT
COMPARATIVE INTERNATIONAL MILITARY PERSONNEL POLICIES

**HOMOSEXUALS IN THE ARMED FORCES
IN SCANDINAVIA**

Henning Sorensen

*

January 1994

**United States Army Research Institute for the Behavioural and Social Sciences,
5001 Eisenhower Avenue, Alexandria, VA 22333-5600, USA
Contract number 7077-RB-01.**

Approved for Public Release; Distribution Unlimited.

CONTENTS

Abstract

1. Introduction
2. Policies
 - 2.1 Civil Anti-discrimination Laws in Scandinavia
 - 2.2 Changes in Official Recruitment Policy
 - 2.3 Official Definition of Homosexuals
 - 2.4 Conclusion
3. Practices
 - 3.1 Recruitment Practices
 - 3.2 Conditions of Service
 - 3.3 Consequences of Coming Out
 - 3.4 Career Perspectives of Homosexuals
 - 3.5 Health Care for Homosexuals
 - 3.6 Housing Benefits and Pensions for Homosexuals
 - 3.7 Conclusion
4. Problems
 - 4.1 Operational Problems
 - 4.2 Social Problems
 - 4.3 Political Problems
 - 4.4 Public Opinion Surveys
 - 4.5 Conclusion
5. Comparative Conclusion
6. List of Tables
7. List of Interviews

References

ABSTRACT

In Scandinavia, the official policies towards homosexuals have passed three phases after World War II. Originally, the existence of homosexuals was ignored and silenced. Then up to the mid or the late seventies, draftees were asked about their homosexuality and if the answer was positive they were accordingly registered and a few of them were even forced to do some military service. But from around the beginning of the eighties, gay draftees were neither asked or registered as such. Even if a homosexual soldier or civilian employee come out, he or she will continue to work in the armed forces in the three Scandinavian countries without any consequences. So today, the official policy is equal treatment of homosexuals compared with heterosexuals.

The policy of equal treatment is almost reflected in the practice of the military system, ie in the way the military system is administering this official policy. However, when drafting soldiers, the military establishment grants gay draftees the privilege of deciding whether to serve or not. For if a gay draftee wants to serve he will be drafted without further questions asked even if he tells about his homosexuality. But if, on the other hand, the draftee refuses to serve, he will definitively be rejected by the Draft Board for mental reasons. With respect to the conditions-of-service, the equal treatment policy is reflected in practice, as well. According to interviews with officers in the three countries, they consider the presence and functioning of homosexuals in the military as no different from that of the heterosexuals. Homosexuals serve without any reservation and in all types of military units, in combat operations, are living close together with other soldiers, and their performance and career pattern, etc., are by and large like that of heterosexual soldiers.

In spite of the equal treatment policy and practice of homosexuals and heterosexuals, the situation is felt otherwise less equal and more problematic by the homosexual soldier. But, no homosexual soldiers in Scandinavia say that in public. On the one hand, they express in general no or only minor problems of acceptance in the operational, the social, and the political field while serving in the armed forces. On the other hand, many homosexuals soldiers agree that they hesitate to come out. Therefore, some problems may still exist for homosexual soldiers at the individual level even if the policies and practice do not discriminate homosexuals.

In the concluding chapter, a general trend is found showing that the formal policies are more liberal towards the homosexuals than the organizational practices and that again more liberal than the individually felt problems.

1. INTRODUCTION

In this report, three aspects of the position of homosexuals in the armed forces in the three Scandinavian countries, ie Denmark, Sweden, and Norway, are pursued.

The first aspect named policies concentrates upon the legal position of homosexuals by and after recruitment for service in the armed forces, ie their legal rights as draftees and regular soldiers, and the official definition of homosexuality.

The second aspect, practices, describes the reaction from the military organization towards the homosexuals by recruitment for and while serving in the military. In particular, the career perspectives, health care and legal benefits for homosexuals are focused upon.

The third aspect tries to reveal some of the problems felt by the homosexual soldier based upon interviews with gays and lesbians in the military, ie which operational, social and political problems do homosexuals feel they meet from society and the armed forces.

With respect to Policies and Practices, the treatment of the homosexual soldier compared to that of heterosexual soldiers may be characterized as either Prohibition, Limited Tolerance, Status Equality or Privileged Position by recruitment and serving in the armed forces. Based upon several national papers, European countries are tentatively categorized. Here, a trend appears showing that formal policies are more liberal than organizational practices and that practices again are more liberal than the individually felt problems.

2. POLICIES

2.1 Civil Anti-discrimination Laws in Scandinavia

The Scandinavian countries are well known for their liberal policies towards minority groups. Norway was the first country in the world to pass a general anti-discrimination law in 1981, followed by Denmark in 1987. In Sweden, "Brotbalken" prohibits public servants to discriminate. Moreover, Sweden has got two high level civil servants to work against discrimination, cfr. the Ombudsman opposing sexual inequality, JAMO (Jamstallsdhetsombudsmann) and against ethnical discrimination, DO (Diskrimineringsombudsmann) and in the law of 1986/87:124, p14, the

employers' and employees' organizations have agreed to "oppose tendencies of discrimination against homosexuals on the labour market".

Moreover, the three countries have already or are about to pass a legislation allowing homosexuals to register as "married" couples (Denmark in 1987, Norway in 1992), cfr. table 1.

Table 1
Minority Policies in Scandinavia

	Anti-discrimination Law	Registered Couples Law
Denmark	1987, Law 357	1989, Law 372
Sweden	"Brottsbalken": Public servants are prohibited to discriminate	
Norway	1981	Bill 1992

It means that in their civilian lives, homosexual couples will have the same legal rights as ordinary heterosexual married couples with respect to inheritance, to oblige each other in deals, receive housing benefits, etc. However, they are not given the right to adopt children as it is the case in more states of the USA.

2.2 Changes in Official Recruitment Policy

The policies of the Scandinavian armed forces towards homosexuals have

Homosexuals in the Armed Forces in Scandinavia

adapted accordingly to this increased liberal treatment of homosexuals in civilian society, cfr. the Danish case. Denmark has changed its policy towards gay personnel three times. First from 1939 to 1954, homosexuals were neither recognized, registered, nor recruited for military service, cfr. table 2 below.

Then in 1954, the Home Office decided to ask draftees about their homosexuality. So from 1955 to 1978, gays were registered and some of them were drafted into the Home Guard, but normally they could avoid serving by declaring themselves to be gays before a legal judge and after having their testimony confirmed by a citizen witness, they eventually got rejected.

Table 2
Danish Draft Board Regulations 1939-1992

Instruction Date	Homosexual Content	Consequence
1939, Feb 18	No	-
1947, Feb 24	"Homosexuality is to be proven by interrogation, maybe by testimony before a judge"	Rejection of all homosexuals
1954, Dec 22	"-, but it does not exclude drafting as limitedly liable for military service" in the Home Guards	Testified homos will be rejected. However, some may be drafted for service in the Home Guard
1978, Nov 8	No content and no registration	All homosexuals will be drafted unless unliable

However, the Danish "Landsforeningen for Bosser og Lesbiske" ("The National Association of Gays and Lesbians") protested against this automatic rejection of homosexuals gays wanting to be recruited and serve on equal terms with other draftees. So from January 1979, no questions have been asked by the Draft Board about people's homosexuality and accordingly Danish gays and lesbians will be drafted/recruited on equal terms compared to heterosexuals.

Up to 1976, all Swedish draftees were asked about their "homosexual tendencies" and if positive, they were automatically rejected even if regional practice differed. But from 1976, it has been decided not to register homosexuality which means that gays nowadays are drafted and will serve in the Military on equal terms as any other type of draftees.

In Norway, "sexual activities between men" were prohibited up to 1972. Therefore, no gays admitted their homosexuality for the Draft Board or any other Norwegian authority and consequently, no rejection took place for that reason.

From 1973, however, homosexuality became decriminalized according to Penal Law prg. 213. And six years later, homosexuality as a psychiatric diagnosis was no longer used. Accordingly, from 1973, homosexuals facing the Draft Board were registered, and some even recruited for specific military jobs, but normally gays were rejected.

Then from 1987, this registration has been stopped and Norway begun as Denmark and Sweden, to recruit gays on equal terms with other draftees. So, the three Scandinavian countries have moved from different reactions towards homosexuality to an almost unanimous policy, cfr. table 3 below.

Table 3
Changes in Policies and Practices
Towards Homosexuals in Scandinavia 1947-1992

	Registration Policy	Recruitment Policy	Rejection Practice
DK 1947-1954	-	-	+
DK 1955-1978	+	+	(-)
DK 1979 -->	-	+	(-)
S --> 1976	+	-	(+)
S 1976 -->	-	+	(-)
N --> 1972			+
1973-1987	+	(+)	(+)
1987 -->	-	+	(-)

Homosexuals in the Armed Forces in Scandinavia

This different historical development and equal present position for the three Scandinavian countries is illustrated in fig 1 (Denmark), fig. 2 (Sweden), and fig. 3 (Norway).

The figures show that some 15 to 40 years ago, Registration, did take place, marked with "+", but that today, it is not the case, marked "-".

Recruitment of homosexuals did not happen some 20 to 40 years ago marked "-". But within the last 6 to 17 years, all three Scandinavian countries have accepted access of homosexual soldiers marked "+". Denmark did so 15 years ago, Sweden 17 years, and Norway as newly as only 6 years ago.

In the beginning, the military authorities rejected all homosexual personnel in the armed forces, marked "+". But with the political decision of the registration of gay and lesbian soldiers, the automatic administrative rejection eroded. For instance, in Denmark and Norway a few registered homosexual draftees were forced to serve in spite of their coming out, even if most homosexuals were rejected marked "(+)". Today, all three Scandinavian countries pursue the administrative practice of fully acceptance of homosexuals except the few homosexual draftees declaring themselves unable to serve. Here, the military system accepts their arguments without further investigations and reject them, cfr. table 5 below.

Fig. 1
Development of Policy and Practice
towards Homosexual Soldiers in Denmark
1947-1993

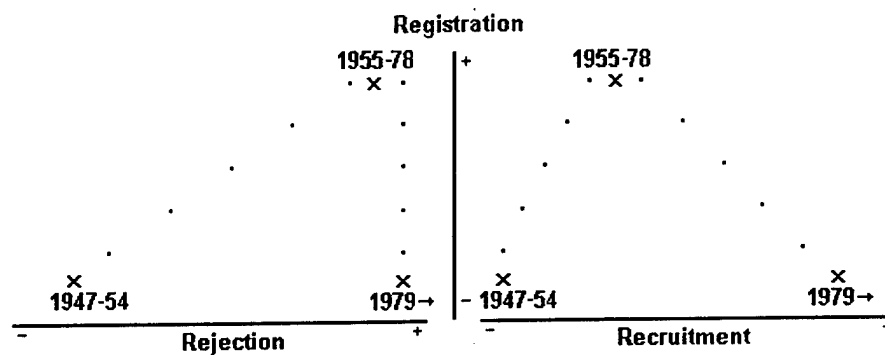


Fig. 2
Development of Policy and Practice
towards Homosexual Soldiers in Sweden
1976-1993

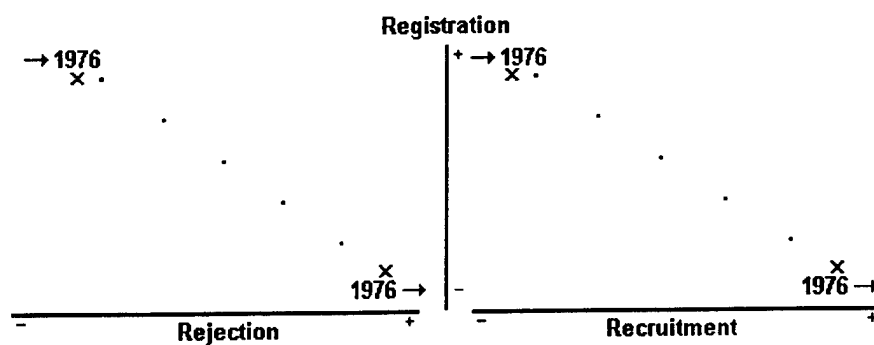
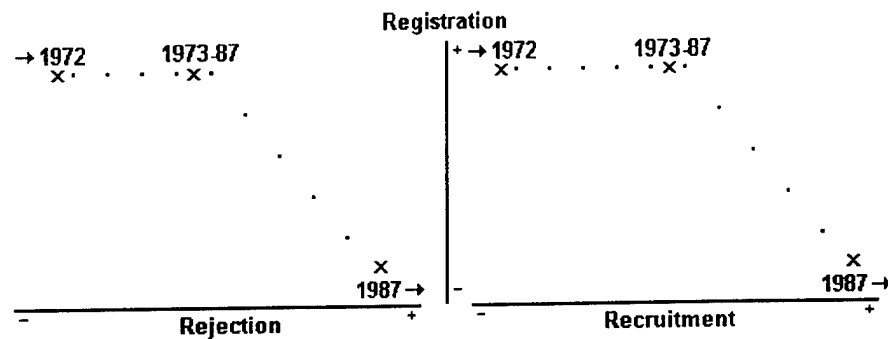


Fig. 3
Development of Policy and Practice
towards Homosexual Soldiers in Norway
1972-1993



The present official policy of Denmark, Sweden, and Norway, towards homosexuals may be summarized as done by the Swedish Joint Chief of Staff to an official report, that

“Homosexuality as such will not and shall not disqualify anyone for any service within the armed forces and is not seen as any sexual anomaly. Therefore, no registration of homosexuality is needed and is consequently erased”, cfr. (SOU 1984:63, p 123).

2.3 Official Definition of Homosexuals

The Scandinavian countries are not very specific in their definition of homosexuals. Homosexuality is simply defined as sexual activities between two or more persons of the same gender. There is no difference between this legal definition and the behavioural one.

This stands in contrast to the US, which exclusively define heterosexuality as vaginal intercourse between a man and a woman. Other types of sexual activities between the two genders are defined as sodomy and according to the US Army “Uniform Code of Military Justice”, only one type of intercourse is prescribed and acknowledged, ie with the woman lying on her back and the man on top on her.

2.4 Conclusion

The general development of increased anti-discriminatory policy in civil societies of Scandinavia has been reflected in the military establishment. This anti-discrimination policy is based upon an idea of Status equality between homo- and heterosexuals.

3. PRACTICES

In this section, the recruitment and serving practice of the armed forces are focused upon as seen from the perspective of the military organization. By and large policy and practice coincide. The general rule is today that homosexuals as heterosexuals are recruited and serve if fit for the military job no matter their sexual tendencies.

3.1 Recruitment Practices

The present military recruitment practice for draftees and any other type of personnel is by and large the same in all three countries, cfr. fig. 1-3 above.

Historically, the development of the medical military practice towards homosexuals recruited/drafted for military service may for all three countries be described as a movement from Rejection based upon ignorance via Registration, normally without or only Limited military service, to Acceptance and normal military service In Full, cfr. fig 4 below.

Fig. 4
Changes in the Medical Reaction
towards the Use of Homosexuals in the Armed Forces
in Scandinavia 1947-1993

REJECTION	LIMITED LIABLE	LIABLE IN FULL
DENMARK:		
X	X	X
1947-1954	1955-1978	1979 -->
SWEDEN:		
X		X
--> 1976		1976 -->
NORWAY:		
	X	X
	1973-1987	1987 -->

However, all three countries have moved even beyond this point of this equal-treatment-policy, because, all Scandinavian gay draftees are in a privileged position compared to that of heterosexuals. For in practice, the Scandinavian gay draftee has three options. He can choose not to tell the Draft Board of his homosexuality and he will be drafted. He can tell the Draft Board, but his statement will not be registered and if there is no objection from his part, he will join the armed forces. Thirdly, he can tell and explain that he considers himself unable to handle his homosexuality. If so, the Board will accept his statement and meet his request and reject him for mental reasons without much discussion. The Danish draftees are most easily rejected, then it is the Swedish ones, whose motives have to be accepted by the Board and finally the Norwegian draftees, where alternative service seems more often offered.

The simple reason for this practice is that considering the actual surplus of draftees, the military organization wants to avoid problems later on with negative homosexual draftees. For the same reason, the Scandinavian Draft Boards will reject any service-willing gay draftee if they consider him unable to handle his homosexuality within the armed forces or at the least, they will place him in an adequate position with no close-living contact to other draftees, etc. So, the military organization and the unwilling gay draftee have in practice the same right to reject the other part. But the interesting thing here is that the military organization does not exclusively decide the outcome. This is, of course, a violation of the citizen duty stated in our constitutions that any male fitted for military service is obliged to serve as a draftee. But, a gay draftee has a say in whether to serve or not. This practice of the military organization to avoid unwilling draftees is probably supported by the increase in the rejection rates in all three Scandinavian countries as shown in table 4.

Table 4
Drafted and Rejected Soldiers
by Recruitment in Scandinavia 1958-1992 %

	1958/59	1969/70	1979	1982	1992
DK Drafted	30.000	-	35.100	40.728	36.933
Rejected	4.571	-	5.057	8.892	9.425
%	15.200	-	14.400	21.800	25.500
S Drafted	47.307	53.638	55.142	62.363	53.047
Rejected	1.862	4.889	4.606	5.171	11.897
%	3.900	9.100	8.400	8.300	22.400
N Drafted	-	32.471	31.755	32.320	28.200
Rejected	-	4.617	4.543	4.944	4.908
%	-	14.200	14.300	15.300	17.400

In Denmark, the percentage of rejected draftees has increased from 15.2 in 1958 to 25.1 in 1992. In Sweden, the increase is even relatively greater. In 1958, 3.9 % of the draftees was rejected. In 1992, 22.4 % was so. Norway has experienced the same tendency, however in a minor scale. In 1969/70, 14.2 % was rejected and in 1992, it was 17.4 %.

Of course, the rejection rate particularly depends on the armed forces' need for manpower (See Starrin 1980, p 132 or SOU 1986: 43, p 80). But, this increase in the rejection rate does also illustrate the military organization's unwillingness to draft negative homosexual soldiers, in general, as more unofficial military sources have told.

However, the rejection of draftees for homosexual reasons is very modest. In Denmark, unwilling gay soldiers are categorized with the WHO classification "code 300, Neuroses". So in this code, we will find homosexual draftees as well as draftees really suffering from "Neuroses". The proportion of rejected draftees in this category has decreased from 0.3 % of all first time and decisively drafted soldier in 1980 to 0.2 % in 1992, cfr. table 5.

Table 5

**First Time and Decisively Drafted
and Rejected Soldiers in Denmark
1958-1992 % (NB Only six month period)**

	WHO cla sif	1958 JULY- DEC	1959 JAN- JUNE	1979 JULY- DEC	1980 JAN- JUNE	1992 JULY- DEC
First time+ definitively drafted		14.355	15.771	18.566	14.069	18.290
Rejected N		2.180	2.391	3.833	3.011	4.594
%		15.200	15.200	20.700	21.400	25.100
Physical	000		1.701	3.253	2.554	3.943
	289					
	320		10.900	17.600	18.200	21.6
	999					
Mental N	290		684	580	457	651
%	315		4.300	3.100	3.200	3.600
Of this:	300				44	32
Neuroses N						
%					0.300	0.200

The actual number of Danish draftees rejected in the same category of "Neuroses" dropped from 44 draftees out of 14.069 men in the six months period JAN-JUN 1980 to 32 draftees of a total of 18.290 soldiers in the last six months of 1992. Even if all of these 44 and respectively 32 soldiers were released due to their homosexuality, the Danish military organization is only facing a modest practical problem.

In Sweden, unwilling gay draftees are subject to the same procedure. They get released as well. However, here the WHO classification code 302.99 "Deviating Sexual Behaviour" is used.

In Norway, different codes are used. But one source told that it nevertheless is possible to identify any gay draftee being rejected for that reason. This stands in contrast to the Danish and Swedish anonymous practice. However in neither of the three countries, the WHO code 302.09 "Homosexuality" is used, because any registration of homosexual orientation is forbidden, as said above.

3.2 Conditions of Service

By definition, the military authorities will treat homosexual and heterosexual soldiers and civilians within the military in the same manner. In order to get a more detailed picture, the military practice towards homosexuals within four areas is described. First, we will look upon the rejection rate after recruitment. Second, the career practice of the military for homosexuals is considered. Third, the military organizations' health care for homosexual soldiers is described. Fourth, housing policies and pensions for hetero- and homosexuals are compared.

3.3 Consequences of Coming Out

Based upon the Kinsey Report (Bell et al, 1982), we may calculate the percentage of homosexuals in the three populations to be between 3 to 10. It means that in Denmark and in Norway only among 1000 to 1800 of the draftees may be counted as gays. In Sweden the same figure may be about 3000. So, there is no doubt that homosexuals: draftees, regular soldiers, and even officers, have served, do serve, and will serve in the armed forces in Scandinavia. For Denmark, we even know that registered couples are employed in the armed forces.

But in general, homosexual soldiers seldom come out. The homosexual draftees may keep silent due to the short period of service: 8 months in Denmark, only 6 months in Sweden and 9 months in Norway. With less than twelve months of service, Scandinavian homosexuals find it more easy to hide their homosexuality than to come out and take the consequences, even if it is declared that a gay soldier will meet no negative reactions from the military organization.

The effectiveness of the military practice of rejecting negative homosexual draftees is supported by the rather low and stable rejection rate after recruitment, cfr. that in the same period the official policy towards homosexuals changed from almost total exclusion to almost total recruitment of homosexuals.

In Denmark, the rejection rate seems stable between 7 to 8 % from 1979 to 1992. In Sweden, it has been stable in the beginning of the period but it has doubled from 3.1 % in 1982 to 6.0 % in 1992. In Norway, it was 5.0 % in 1992, cfr. table 6.

Table 6
Drafted and Rejected Soldiers after Recruitment
in Scandinavia 1969/70-1992

	1969/70	1979	1982	1992
DK Draftees	-	35.100	40.728	36.933
Refected	-	3.090	5.660	2.960
%	-	8.8	7.2	8.0
S Draftees	56.770	49.433	54.077	35.510
Rejected	2.160	1.940	1.681	2.310
%	3.8	3.9	3.1	6.0
N Draftees	-	-	-	27.316
Rejected	-	-	-	1.371
%	-	-	-	5.0

- means no data available

The argument just mentioned that the military organization has excluded negative homosexuals in order to prevent future problems is sustained by a closer look at the data from 1992 for all three countries. They show that most of the draftees who have been serving in the Military and then discharged are rejected for physical reasons in the proportion of 2:1. On the other hand, the proportion of rejected draftees for mental reasons has increased during the last five years. However, the mental reasons for rejection are not based upon the sexual orientation of draftees. On the contrary, the proportion of draftees rejected for homosexual reasons is very modest. Consequently, the vacuums in the military organizations due to the rejection of discharged homosexuals are of almost no problem at all.

3.4 Career Perspectives of Homosexuals

Representatives from the military establishment in Scandinavia will in general deny that homosexual soldiers meet promotion problems.

However, the Danish Surgeon General, Knud Jessen, stated in an interview in the Danish Newspaper, "Ekstrabladet" of February 7, 1993, that he "cannot imagine a homosexual officer to become the Danish Joint Chief of Staff". And he adds, "if two men are equally fitted for the job, the armed forces most probably will prefer the man with a wife".

In contrast, a Norwegian personnel officer, LT. Commander Stig Morten Karlsen, stated in the newspaper, "Verdens Gang" of June 1, 1992, that "Homosexuality is no problem. We do not interfere in our employees' private business, and we may promote them (gays/lesbians) on equal terms with other employees".

Note that Jessen refers to a hypothetical situation for a high ranking officer job, while Karlsen, facing an actual case, has to stick to the overall statement of status equality.

Officially, the Scandinavian gay and lesbian associations do confirm that they have heard nothing about homosexual soldiers having jeopardized his/her career for having come out. And officers in all three Scandinavian countries declare that if a homosexual soldier comes out, he will probably for that reason get a security clearance and be promoted because his homosexual tendency cannot be used against him.

On the other hand, an interviewed Danish gay NCO told that he felt that he was denied promotion in spite of the wish from his commanding officer, in spite of his coming out.

3.5 Health Care for Homosexuals

No specific health care initiatives are applied on homosexuals. So, military or civilian employees in the Scandinavian armed forces are for instance not requested to get a HIV test. But of course, UN peacekeeping soldiers and combat pilots are requested from time to time to have a health check in depth.

This status equality policy is confirmed in the above mentioned interview with the Danish surgeon general, Knud Jessen, saying that Denmark recruits soldiers even if they tell that they are HIV positive or have AIDS. The only question asked by the military organization is "Are you ill?". If

not, they are assigned to any job for which they are qualified. But if they get ill, then medical registration will take place. So it is the case for soldiers and civilians suffering from for instance cancer.

The Danish surgeon general did add that in his 25 years in the Military, he has never experienced any person being forced to leave the military for reasons of homosexuality. The only military job in Denmark where HIV-positive registration takes place is for Danish pilots being educated in the US. But only because the Americans want it so.

3.6 Housing Benefits and Pensions for Homosexuals

In all Scandinavia, homosexual soldiers are subject to the same housing facility policy as heterosexuals. They will for instance get the same public economical support for expensive flats and they are entitled to houses on the garrison to the same extent as heterosexual couples are.

But in one area, a specific difference between homo- and heterosexual soldiers exists. The surviving partner of a homosexual couple will get no pension from the deceased even if he/she is named specifically in the will. But so is the case for civilian homosexual couples, as well.

3.7 Conclusion

The armed forces in Scandinavia do in general treat homosexuals in the same manner as they treat heterosexuals. But on the one hand, unwilling gay draftees are privileged compared to heterosexuals. On the other hand, gay officers are said to meet promotion problems at the top level and their surviving partner will get no pension.

4. PROBLEMS

Up until now, we have focused upon homosexuals in military units from two external perspectives, a legal policy and an organizational practice perspective. As noted above, in Scandinavia via policy and practice for homosexuals compared to heterosexuals coincide.

But homosexuals may see it differently as already mentioned. Based upon interviews with former and present gay soldiers in the three Scandinavian countries, their opinions in this matter shall now be presented.

Two introductory remarks must be made. First, to the homosexuals, the military is most probably felt to be a male and macho world to work in, especially if they have tried to hide their homosexuality. Therefore, homosexuals may express critical comments towards the military practice inflicted upon them for specifically that reason. Second, even if equal treatment is pursued politically and organizationally, only very few draftees, NCO's and officers have come out in any of the three Scandinavian armed forces in contrast to what is the case in the Netherlands. It means that the number of interviewed homosexuals is limited and that their opinions may be those of the vanguard of homosexuals, and not those of the average homosexual soldiers.

4.1 Operational Problems

No report on discrimination against homosexuals is found in public or in the archives of the three Scandinavian gay and lesbian associations which are the equivalents of the US "Human Right Campaign Fund".

The same no-discriminatory status are confirmed by the interviewed homosexuals stating that the senior-subordinate relationship is the same for hetero- and homosexual soldiers.

Moreover, there are no formal rules of acceptable conduct specified for homosexuals alone. But for both homo- and heterosexuals, informal rules of non-provocative conduct do exist. The decisive point here is if people can handle their sexuality. Heterosexual couples are excepted not to expose intensive sexual activity at work; homosexual couples are expected to behave in the same way.

But, the interviewed homosexuals do not agree completely upon the extent of acceptance of homosexuals in and by the military community, their working relationship within the military organization and the effects of the presence of homosexuality upon groups cohesion.

Of course, this disagreement is influenced by the homosexuals' own experience and position. If the homosexual soldier comes out and he/she

meets no problems or negative consequences, the military organization is seen as no discriminatory agency pursuing its goal of equal treatment.

This is the case for two lesbian privates stating that their coming out has improved their relationship to their male soldier colleagues and their functioning in the military unit, cfr. the above mentioned interview in the Norwegian newspaper "Verdens Gang". Moreover, they urged fellow homosexuals to come out not only for their own sake, but also in order to make homosexuality more generally accepted. But silent homosexuals have sometimes felt themselves uneasy in specific situations.

4.2 Social Problems

None of the interviewed homosexuals have experienced social discrimination with respect to their legal rights to get housing benefits, or get half-pay as retired soldiers.

Neither has any homosexual soldier in Scandinavia been discriminated medically by being registered or requested/urged to get a specific health test, etc., cfr. the above mentioned section "Health Care for Homosexuals", stating that the military organization did not make such tests.

4.3 Political Problems

Homosexual soldiers in the three Scandinavian countries had not experienced diversity training or different national policies on the combined military formation.

However, a Danish respondent guessed that the reaction in the Danish "Jaegerkorps" (a military elite combat force) toward a fellow homosexual soldier would be more hostile than that in a medical platoon.

A Norwegian respondent found that heterosexual soldiers from the Southern and Western part of the country ("Sor- og Vest- landet") with more traditional values are probably more opposed toward homosexuality than people from the bigger cities as Oslo and Bergen.

All the Scandinavian homosexual respondents agreed that the armed forces were no catalyst of social change, rather the opposite. The military has slowly adopted to the increased acceptance of gay and lesbian soldiers.

4.4 Public Opinion Surveys

Especially in Denmark and Norway, a number of polls on the public attitude to homosexuals have been surveyed. Here we shall concentrate on two topics: opinion of marriage between homosexuals and of homosexuals in military units. It must be mentioned that different formulations have been used.

In Denmark, the increased liberal attitude is most significant. In 1970, only one out of three Danes would accept marriage between homosexuals, in 1989, it was two out of three Danes. In Norway, a slight increase of acceptance is seen from 16 % in 1983 to 22 % in 1988. But in Norway, the majority still disapproves marriage between homosexuals. Sweden is placed between Denmark and Norway. More Swedes, 48 %, support marriage between homosexuals than oppose it, 43 %. But, no majority is found.

Two general observations can be made. First, the public attitude to homosexuals getting married has been polarized, cfr. the reduction of DK (Don't Know) in Denmark from 26 % in 1970 to 6 % in 1989, and in Norway, from 20 % in 1983 to 5 % in 1988. Second, a considerable proportion of the population in Scandinavia, still oppose marriage between homosexuals, cfr. table 7.

Homosexuals in the Armed Forces in Scandinavia

Table 7
"Should Homosexuals be Allowed to Marry?"
Denmark, Norway and Sweden
1970-1989 %

	Denmark			Norway		Sweden
	1970	1985	1989	1983	1988	1993
Yes	35	41	64	16	22	48
No	39	34	30	63	73	43
DK	26	25	6	20	5	9
Total %	100	100	100	99	100	100
Total N	-	4.400	532	99	1.006	-
Source	Gallup 8	Gallup 14	Gallup 38	Scanfact Nov 1983	Scanfact 19.01.89	FLT/Temo Feb

In some contrast to this still critical public attitude to marriage between homosexuals, the general view is that they should be given the right and duty to become soldiers. A majority in both Denmark and Norway think that way, cfr. table 8.

Table 8
"Should Homosexuals be Accepted as Soldiers?"
Denmark and Norway
1983, 1985

	DENMARK	NORWAY
	1985	1983
Yes	50	73
No	27	11
Dk	24	16
Total %	101	100
Total N	4.400	981
Source	Gallup 14	Scanfact Nov 1983

The public opinion in Denmark and Norway towards homosexual soldiers may at first sight seem to underline the liberal attitudes in these countries, in general. But, in all three Scandinavian countries a vast majority oppose the right for homosexuals to adopt children. This stands in contrast to the situation in some states in the US, where homosexuals have the same right to adopt children as heterosexuals have.

4.5 Conclusion

The attitude among homosexuals is not quite clear. Mostly, they perceive no unfair or unequal treatment either in the operational, or the social, or the political field. And some homosexuals even argue that it is an advantage to come out. At the same time, other homosexuals hesitate to do so and have experienced some problems. This uneasiness is supported by public opinion data showing a great minority oppose their demand for equal marriage status with heterosexual. So, homosexuals in Scandinavian armed forces feel no status equality position even if official policy and organizational practice work that way.

5. COMPARATIVE CONCLUSION

One might get a rather good impression of the degree of acceptance of homosexuals in the armed forces in any country from Prohibition via Limited Tolerance, Status Equality and to Privileged Position by using the above mentioned distinction: Legal policy, organizational practice, and personal problems by recruitment and service. As demonstrated above, Denmark (read: Scandinavia) has formally declared status equality for homosexuals by recruitment. But the organizational practice revealed that the unwilling Danish homosexual could avoid being drafted. So at this level, homosexuals have a privileged position. But, at the personal level more recruited homosexuals soldiers have expressed some problems and hesitated to come out. This description gives a move in Denmark's position from status equality via privileged position to limited tolerance, cfr. fig 5 below.

Fig. 5
The Position of Homosexuals in the Armed Forces
by Recruitment and Service. Great Britain, The Netherlands,
Belgium and Denmark (Scandinavia)
1993

Recruitment	Prohibition	Limited Tolerance	Status Equality	Privileged Position
Legal - Policy			GB B DK NL	
Organisational Practice	GB	B	DK NL	DK
Personal Problems	GB B	DK	NL	
Serving	Prohibition	Limited Tolerance	Status Equality	Privileged Position
Legal - Policy		GB	B DK NL	
Organisational Practice	GB	B	DK NL	
Personal Problems	GB B	DK	NL	

The other European countries are tentatively placed based upon their national papers. The interesting picture is the general movement from top right to bottom left or from status equality at the legal level to limited tolerance or even prohibition at the organizational level and especially at the personal level.

So, the European policy against homosexuals in the military is more liberally formulated than practised and especially felt by the homosexuals themselves. The strategy for the Homosexual Movement will then be just to stick to the word of the law in order to improve their situation.

6. LIST OF TABLES

Table 1. Minority Policies in Scandinavia

Table 2. Danish Draft Board Regulations 1939-1993

Table 3. Changes in Military Policies Against Homosexuals in Scandinavia 1947-1993

Fig. 1. Development of Policy and Practice Towards Homosexual Soldiers in Denmark 1947-1993

Fig. 2. Development of Policy and Practice Towards Homosexual Soldiers in Sweden 1976-1993

Fig. 3. Development of Policy and Practice Towards Homosexual Soldiers in Norway 1972-1993

Fig. 4. Changes in the Medical Reaction Towards Homosexuals in the Armed Forces in Scandinavia

Table 4. Drafted and Rejected Soldiers by Recruitment in Scandinavia 1958-1992 %

Table 5 First Time and Decisively Drafted and Rejected Soldiers in Denmark 1958-1992 %

Homosexuals in the Armed Forces in Scandinavia

Table 6. Drafted and Rejected Soldiers after Recruitment in Scandinavia 1958-1992 %

Table 7 "Should Homosexuals be Allowed to Marry?" Denmark, Norway and Sweden 1970-1989 %

Table 8 "Should Homosexuals be Accepted as Soldiers?" Denmark and Norway 1983-1985 %

Fig. 5 The Position of Homosexuals in the Armed Forces by Recruitment and Service. Great Britain, The Netherlands, Belgium and Denmark (Scandinavia) 1993

7. LIST OF INTERVIEWS

Denmark: Michael Nord (March 24, 1993), Peter Rorvig (March 16, 1993), Anders Elsborg (March 19 and 26, and again June 16, 1993), Jorgen Peter Madsen (March 12, 1993), Gorm Oyen Petersen (March 9, 1993), Mogens Gyde (March 4, 1993)

Sweden: Georg Svéd (March 4 and June 14 and 17, 1993), Alice Weibull (March 25, 1993), Bertil Ternert (March 26, 1993), Gunnar Nyberg (March 22, 1993), Tobias Wikstrom (June 17, 1993)

Norway: Travel to Oslo, February 18 - 19, 1993, Svein Ove Kirkhorn (March 24 and June 18, 1993), Frank Andersen, (March 26 and June 16, 1993), Mette Sorensen (March 19 and 24, and again June 17, 1993)

In all three Scandinavian countries more officers and homosexuals have been interviewed than here named. The interviewed homosexuals have been approached through the gay and lesbian associations in all three countries.

REFERENCES

Bech, Henning, *Nar maend modes. Homosexualitet og de homosexuelle*, (When Men Meet. Homosexuality and the homosexuals), Oslo 1987

Bell, Alan P., Martin S. Weinberg and Sue Kiefer Hammersmith, *Heterofil - Homofil: Kinsey-rapporten om sexuell orientering og partnerval*, (Heterosexuality - Homosexuality: The Kinsey Report on Sexual Orientation and Choise of Partner), Oslo 1982

Dansk Data Arkiv (Danish Data Archives), Letter of June 15, 1993 on public opinion polls

Ekstrabladet (DK), February 7, 1993, interview with the Danish surgeon general Knud Jessen

Forsvarets Sundhedstjeneste, Letter to ISF, June 17, 1993 on Rejection of Draftees after Recruitment, 428-0581

Forsvarsministeriet (DK), (Ministry of Defense), Lette to the National Association of Gays and Lesbian as of September 19, 1991, 2.kt. 87-0910-1/1127

Forsvarsdepartementet (S), (Ministry of Defense), Befrielse fran vaarnpliktstjanstgoring, (Release from Draft Service), Betankande 43, Stokholm 1986

Indenrigsministeriet (Home Office), (DK), Betaenkning om efterkassation af vaernepligtige, (Report on Rejection of Draftees), Betaenkning no 980, Kobenhavn 1983

Regulativ for Bedommelse af de Vaernepligtiges Tjenestedygighe, (Regulation for the Evaluation of Draftees' Liability), Bekendtgorelse (Instruction), February 18, 1939

og Boligministeriet, Home Office and Ministry of Housing, Cirkulaere indeholdende regulativ af de Vaernepligtiges tjenestedygtighed, (Instruction concerning Regulation of the Liability of Draftees), February 24, 1947

Indenrigsministeriet (Home Office), Cirkulaere om Sessionsbehandling, bedømmelse og udskrivning af værnepligtige, (Instruction on Draft Administration, Evaluation and Recruitment of Draftees), November 8, 1978

Kirkhorn, Svein Ove, Letter to IS, March 24, 1993

Landsforeningen for Lesbisk og Homofil Frigoring (Norwegian Association of Lesbian and Homosexual Emancipation), June 17, 1993 enclosed public polls data

LTF/S (N), Forsvarets lille Rosa, (The little Rosy of the armed forces), Unpubl. Pamphlet for Draftees, March 1993

Nyberg, G. (S), Fax-Letter to ISF, March 19, 1993

Schmidt, Kirsten W. & Allan Krasnik, Mænd med homoseksuel adfærd: AIDS og seksuelvaner (Men with Homosexual Behavior: AIDS and Sexual Habits), 1988

Starrin, Bengt, Psykiatrisk praktik som praksis (Psychiatric Practice as Practice), Uppsala 1981, pp 149 (with an English summary)

Socialministeriet (DK) (Ministry of Social Affairs), Homoseksuelles vilkår (Life Conditions of Homosexuals), Betænkning (Report) 1127, K+Q+København 1988

Socialdepartementet (S), Homosexuelle och Samhället, (Homosexuals and Society), Betänkande (Report), Stockholm 1984

Statens offentlige Utredninger, SOU, (S), The Government's public Report), Elskere i forsvaret (Lovers in the Armed Forces)

SOU, (S), Betänkande av 1983 års Värnpliktsutbildningskomite, (Report on 1983 Draftee Training Committee), Stockholm 1986:43 (especially p 51, tabell 2 and p 71 tabell 9 on Rejection of Draftees)

US Army, Uniform Code of Military Justice

Værnpliktsverket (S) (Draft Organization), Tables Værnpliktsstyrelsen (DK), (Draft Organization), Oversigt over udfaldet af Session, (Overview of the Result of the Draft Board's Work), for diverse år, (more years)

APPENDIX A:
LIST OF PARTICIPANTS

LIST OF PARTICIPANTS

Marion Andersen-Boers
Stichting Maatschappij en Krijgsmacht
Carel van Bylandtlaan 3
NL-2596 HP 'S-Gravenhage
The Netherlands

Henk van den Boogaard
Netherlands Institute of Social Sexological Research (NISSO)
PO Box 5018
3502 JA Utrecht
The Netherlands

Dr Christopher Dandeker
Department of War Studies
King's College
University of London
Strand
London
WC2R 2LS
United Kingdom

Dr Cathy Downes
Senior Research Officer
Office of the Chief of Defence Staff
HQ NZ Defence Force
Private Bag
Wellington
New Zealand

Dr LM Fabre, MD
The Joint Medical Service
Centre de Relations Humains (CRH)
Etat-major de l'Armée de terre (EMAT)
Ecole Militaire
1, place Joffre
75700 Paris
France

Dr Bernhard Fleckenstein
Director and Professor
Sozialwissenschaftliches Institut Der Bundeswehr
(German Armed Forces Institute for Social Research)
Winzerestr. 52
80797 Munchen
West Germany

Dr Paul A Gade
Manpower and Personnel Research
US Army Research Institute
5001 Eisenhower Avenue
Alexandria
Virginia 22333-5600
United States of America

Dr Reuven Gal
Director
The Israeli Institute for Military Studies
9 Hanassi Street
PO Box 97
Zikhron Ya'akov 30900
Israel

Professor Gwyn Harries-Jenkins, LLB, MA, MPhil, PhD
Principal Investigator
University of Hull
Department of Adult Education
47 Salmon Grove
Hull HU6 7SZ
United Kingdom

Professor Manuel Jiménez
University of Santiago
Chile

Dr Edgar W Johnson
Acting Director
US Army Research Institute
5001 Eisenhower Avenue
Alexandria
Virginia 22333-5600
United States of America

Dr Evert Ketting
Netherlands Institute of Social Sexological Research (NISSO)
Postbus 5018
3502 JA Utrecht
The Netherlands

Dr Philippe Manigart
Ecole Royale Militaire
Chaire des Sciences Sociales
Avenue de la Renaissance 30
8-1040 Bruxelles
Belgium

Dr Jan S Van der Meulen
Assistant Director
Stichting Maatschappij en Krijgsmacht
Carel van Bylandtlaan 3
NL-2596 HP 'S-Gravenhage
The Netherlands

Dr Gilles Robert, MA
Marine Infantry
Centre de Relations Humains (CRH)
Etat-major de l'Armée de terre (EMAT)
Ecole Militaire
1, place Joffre
75700 Paris
France

Professor Marina Nuciari
Universita di Torino
Facolta Di Economia e Commerci
Piazza Arbarello 8
10122 Torino
Italy

Dr David Segal
Professor Sociologist
Department of Sociology
University of Maryland
College Park
Maryland 20742-1316
United States of America

Klaas Soesbeek
Netherlands Institute of Social Sexological Research (NISSO)
POSTBUS 5018
3502 JA Utrecht
The Netherlands

Dr Henning Sorensen
Professor of Sociology
University of Copenhagen
Institut for Sociologisk Forskning
Borromosen 13
2800 Lyngby
Copenhagen
Denmark

Alison Spicer, BA
Editorial Assistant to Professor G Harries-Jenkins
University of Hull
United Kingdom

Dr Greg Uche, BSC, MA, MEd, PhD
Research Assistant to Professor G Harries-Jenkins
University of Hull
United Kingdom

Dr Naomi Verdugo
Senior Demographer
Office of the Deputy Chief of Staff for Personnel
Department of the Army
The Pentagon
Washington
DC 20310-0300
United States of America

**APPENDIX B:
OFFICIAL DUTCH POLICY
STATEMENT**

MINISTRY OF DEFENCE

Directorate-General Personnel

INFORMATION ABOUT THE POSITION OF HOMOSEXUALS IN THE NETHERLANDS ARMED FORCES

Homosexual orientation gives no grounds to be found unfit for service in the Netherlands armed forces. Should the examining body and/or the conscript himself expect serious problems during his term of service in the armed forces as a result of his homosexual orientation, then he will first be declared fit (unless found unfit for other reasons) and subsequently be given the status of conscript extraordinary. During the medical examination and upon entering the Service no questions are asked relating to the sexual orientation of the conscript/applicant. In the event that the sexual orientation is brought up by the conscript/applicant, it will not be recorded. For that reason the number of homosexuals in the armed forces is unknown.

There is an official advisory and coordination committee on homosexuals in the armed forces, which advises the Minister of Defence on subjects pertaining to homosexuality. Participating in this committee are representatives of the armed forces and the Directorate-General of Personnel.

A certain number of homosexuals in the armed forces is united in the Foundation Homosexuality and Armed Forces. There is a regular contact between the official advisory committee and the Foundation.

Until now there are no known structural problems about the functioning of homosexuals in the armed forces. It has to be considered although that most of the homosexuals make a secret of their sexual orientation out of fear for reactions.

Since the beginning of 1991 the Dutch Minister of Defence has been developing and implementing a policy which is to create an atmosphere within the armed forces in which it is easier for homosexuals to 'come out'. Among other subjects this policy involves:

- ☐ making homosexuality a subject of the initial training and education programmes,
- ☐ working to increase the expertise of relief workers in dealing with homosexuality-related problems, and
- ☐ giving more general information on behalf of all armed forces personnel on the subject of the non-discrimination policy in the armed forces.

In 1990 the Royal Netherlands Navy has been holding interviews with homosexuals within the service in order to find out how they experience their position in the organisation. Most of the recommendations from this RNLN-study are being implemented. This implementation process is one of small steps, since this kind of subjects tend to generate resistance when being brought too firmly. This principle was also recognized at the end of a large-scale survey investigation among the armed forces on the subject of homosexuality. Although it can be stated that the atmosphere in Holland in relation to homosexuality is rather positive and open comparing other countries, also in Holland it takes time to achieve fully integration of homosexuals in the armed forces. This is of course also the case for the RNLN.

In the feeling of homosexual servicemen and -women the position of homosexuals in the armed forces has been gradually improving over the past few years.

APPENDIX C:
CONFERENCE ATTENDEES

**CONFERENCE ON COMPARATIVE INTERNATIONAL
MILITARY PERSONNEL POLICIES: 9-12 JULY 1993**

ATTENDING

Professor Gwyn Harries-Jenkins	UK
University of Hull	
Henk van den Boogaard	The Netherlands
Netherlands Institute of Social Sexological Research (NISSO)	
Dr Bernhard Fleckenstein	Germany
German Armed Forces Institute for Social Research	
Médecin en Chef Louis-Michel Fabre	France
Etat-major de l'Armée de terre (EMAT)	
Centre de Relations Humains (CRH)	
Ecole Militaire, Paris	
Dr Paul A Gade	USA
US Army Research Institute	
Professor Manuel Jiménez	Chile
University of Concepcion	
Dr Milton Katz	UK
European Research Office	
Dr Evert Ketting	The Netherlands
Researcher, NISSO	
Dr Philippe Manigart	Belgium
Ecole Royale Militaire	
Dr Jan S van der Meulen	The Netherlands
Stichting Maatschappij en Krijgsmacht	
Professor Marina Nuciari	Italy
Facolta di Economia e Commerci	
Universita di Torino	
Dr David Segal	USA
Department of Sociology	
University of Maryland	
Dr Henning Sorensen	Denmark
Institut for Sociologisk Forskning	
University of Copenhagen	

APPENDIX D:
BIOGRAPHIES

CURRICULUM VITAE

MARION ANDERSEN-BOERS

Marion Andersen-Boers (1960) studied pedagogics and psychology at the University of Leiden. She specialized in educational psychology and worked several years at schools for children with mental and behavioural problems. She became a member of the staff of the Dutch Foundation on Armed Forces and Society in 1985 and worked from that time in this capacity she studied the subject of homosexuality and armed forces. As a researcher and editor she was responsible for the Council's advice to the Dutch Minister of Defence.

CURRICULUM VITAE

Henk van den Boogaard

Henk van den Boogaard studied political science and is currently employed by the Netherlands Institute of Social Sexological Research (NISSO) and the national office for homosexuality, the SAD-Schorer Foundation.

He conducted surveys into, among other things, homosexuality in Nazi Germany, Cuba (machismo and homosexuality) and the Netherlands, and into victims and perpetrators of anti-homosexual violence. He is in charge of the joint venture programme 'Homosexuality and Anti-homosexuality' of the NISSO and the SAD-Schorer Foundation. Research into and training courses on homosexuality form part of this programme.

CURRICULUM VITAE

Dr. CHRISTOPHER DANDEKER B.Sc., Ph.D.

Personal Information

Date and place of birth: 12.7.50. Torquay, Devon , England.

Current position: Senior Lecturer; Department of War Studies, King's College, London,
Strand, London WC2R 2LS.

Tel: 071-8732673; Fax:071-873-2026

Qualifications: BSc., Leicester 1971; PhD Leicester 1978.

Employment Record

Lecturer in Sociology Sheffield City Polytechnic 1973-4

Lecturer in Sociology University of Leicester 1974-1990

Senior Lecturer in War Studies King's College University of London 1990-to date

Research Activities

Interests: human resource problems of contemporary armed forces with particular
reference to:

- recruitment, retention, resettlement and career structures
- attitudes of the military profession
- attitudes of public opinion to armed forces and security questions
- post-Cold war strategic context and implications for nation-states and their
armed forces

Organizations and Networks

Co-founder of British Military Studies Group (BMSG) an independent academic organization concerned with the analysis of human resource problems of armed forces. BMSG holds annual conferences on human resource themes and both carries out and facilitates research on these issues. As a senior member of the Department of War Studies at King's College, which is currently a top rated research department in terms of UFC ratings, I am involved in teaching and advanced research on human resource issues in armed forces and have strong working relationships with MOD and all three armed Services.

International Links

Through membership of a number of international organizations such as Inter-University Seminar on Armed Forces and Society (IUS) International Sociological Association (ISA) I am involved in an extensive international research network on the personnel and social dimension of armed forces.

Publications

Author of *Surveillance Power and Modernity*, Polity 1990, and (with C Ashworth and T Johnson,) *The Structure of Social Theory*, Macmillan 1984. Author or joint author of 30 articles or chapters in books, two jointly edited editions of journals and seven research reports. I have published a number of articles and reports on my recent research on the British armed forces including a chapter in the recent *Conscription and Armee De Metier*, edited by Bernard Boene and Michel Martin, Fondation Pour Les Etudes De Defense Nationale, 1991; *A Farewell to Arms: The Military Profession and the Modern Nation State*, in J Burk *The Military in New Times: Adjusting Armed Forces to a Turbulent World*, Westview, Jan 1994; *National Security and Democracy: the UK Experience* *Armed Forces and Society*, Spring, 1994.

Review of Recent Research Activities

Since 1990, I have been engaged in collaborative research with Dr Alan Strachan of the Midlands Regional Research Laboratory at the University of Leicester on Soldier recruitment to the British Army. We have now completed a two phase investigation into the social and spatial analysis of applicants and recruits to the British Army in Eastern District and a study of employment aspirations and attitudes of a sample of young people in Essex. The project was funded by MOD and has led to a number of publications and lectures to meetings in the UK and abroad.

In relation to these projects, I have been reviewing the broader manpower problems facing the British armed forces in the 1990s and this has provided the basis for my contributions to the Tri-Service Defence seminar held at King's in February 1990 as well as a number of other conferences/seminars since including: the Defence Psychologists Liaison Panel, Nottingham October 1990, where I was guest speaker; a conference on Conscription and the Professional Army sponsored by La Fondation pour les Etudes de Defense Nationale in Paris February, 1991. Recently, I have been consulted by a Concepts team from the MOD on Force Regeneration and the regular/reserve balance and this links with my current work in that area. Over the past eighteen months I have delivered presentations on human resource problems of the British armed forces to Socio-Cultural Designs for the future Army - a seminar organised by the U.S. Department of the Army and to a seminar on Future armed forces funded by the Ford Foundation; a paper on British Forces in the Gulf War, to the American Sociological Association; papers on Nationalism Violence and the Modern Nation State to a series of research meetings sponsored by the Harry Frank Guggenheim Foundation in America and Europe; The Military profession and the Nation State, to a seminar on Armed Forces in a Multi-centric world sponsored by the Military Studies Institute at Texas A & M University, U.S.A. and to the first of a series of seminars on British armed forces and society sponsored by the Economic and Social Research Council.

I have been working with British and other european colleagues on a research project investigating officers' attitudes towards the future of security and of their profession in the post-Cold War context. We have developed an effective working group over the past 12 months with participants drawn from the Netherlands, France, Germany, Italy, Switzerland and Czechoslovakia. I also have advised staff of the Czech armed forces on the restructuring of their organisations. Currently I am working on force re-generation and the regular/reserve mix (the theme of the next BMSG conference in December 1992); gender integration in armed forces; and coordinating a two year (1992-94) series of research seminars on the theme A Farewell to Arms? Armed Forces and British Society in Transition to the Twenty First Century. This seminar was funded as a result of a successful bid in the recent Economic and Social Research Council's (ESRC) research seminar competition. In March 1993, I was a consultant for the Arthur Andersen company in relation to their seminar on European Defence.

CURRICULUM VITAE

LOUIS MICHEL FABRE

Louis Michel FABRE is a psychologist who specialises in the area of stress in operations.

CURRICULUM VITAE

BERNHARD FLECKENSTEIN

Bernhard Fleckenstein, Director and Professor; sociologist; political scientist; born 1940; 1962 -1968, studied social science at the University of Frankfurt; 1976 - 1977, studied political science at Harvard University and the Massachusetts Institute of Technology.

1960 - 1962, completed military service in the Air Force; 1969 - 1972, researcher with the Parliamentary Commissioner for the Armed Forces; 1973 - 1981, with the Ministry of Defence as a member of the planning staff; 1982 - 1983, with Joint Services Command, subsequently at NATO Defence College in Rome; since 1984, academic director of the Armed Forces Institute for Social Research (SOWI) in Munich.

Publications in the fields of military-related social research, sociology of adolescence, and security policy. Member of numerous national and international professional organizations. Has served from 1986 - 1990 as President of the Research Committee on Armed Forces and Conflict Resolution of the International Sociological Association (I.S.A.); reelected President of same committee for the period 1990 - 1994.

CURRICULUM VITAE

GWYN HARRIES-JENKINS

Gwyn Harries-Jenkins is a former regular officer in the Royal Air Force. He is a Professor of Sociology in the University of Hull where he teaches policy studies on MBA programmes in Hull and the Far East. In the University, he is Director of Adult Education. He has a law degree (LLB) from the University of Wales, postgraduate degree in European Studies and Sociology from the University of East Anglia and a PhD from the University of Hull. From 1952-53, he was a postgraduate student at the College d'Europe, Bruges.

Professor Harries-Jenkins has written extensively on military sociology, specialising in the comparative analysis of HRD policies. His most recent article on conscientious objection in Britain, "From Individual Conscience to Social Movement" was published in Moskos and Chambers The New Conscientious Objection (1993).

CURRICULUM VITAE

MANUEL JIMENEZ

Manuel Jiménez is an Associate Professor at the Faculty of Education, Humanities and Art at the University of Concepcion, Chile. He has held teaching positions in the fields of sociology, management, government policy and the history of education in Chile at the Universities of Chile, Metropolitan of Sciences of Education, Concepcion and at the Professional Institute DUOC.

He has been a Visiting Professor at the Ohio State University and currently is undertaking research work at the University of Hull related with military in Argentina and Chile.

He has served at the University of Concepcion as Director of the School of Education, Chairman of the Area of Education, Vice Dean of the Faculty of Education and Director of the Department of Sciences of Education. At the Metropolitan University of Sciences of Education he served as Director of Academic Affairs and as a Professor. His research work has been presented at conferences in the USA, Canada, Holland and Chile and many of his papers have been published in specialised journals.

CURRICULUM VITAE

EVERT KETTING

Evert Ketting (1947), PhD, is Deputy Director of the Netherlands Institute of Social Sexological Research (NISSO). He had his academic training in sociology, anthropology, demography and economics at Leiden and Utrecht University. He has been involved in research since 1975, mainly in the fields of family planning, sexual and reproductive health, sexology and mental health. Under his authorship more than 120 scientific articles, research reports and books have appeared in several languages.

Together with Klaas Soesbeek, he has directed the national research project on the position of homosexuals in the Netherlands Armed Forces in 1991/92.

CURRICULUM VITAE

PHILIPPE MANIGART

Philippe Manigart is Associate Professor of Sociology at the Royal Military Academy and at the Free University of Brussels. He is an associate member of the Institute of Sociology, Center for Political Sociology, in Brussels and Professor at the Newport University Benelux. He has a M.A. in Sociology from the University of Chicago and a Ph.D. from the Free University of Brussels.

Dr Manigart was a Jean Monnet Fellow at the European University Institute in Florence in 1985-86. The same year, he also received a NATO Fellowship.

Philippe Manigart is the coordinator of Working Group 1 (*Public Opinion: Legitimization and Integration of the Military*) of the European Research Group on Military and Society (ERGOMAS).

Dr. Manigart has published numerous books and articles on the Belgian military and European public opinion and security issues. He has edited a book on The Future of Security in Europe: A Comparative Analysis of European Public Opinion (1992) and on Job Satisfaction and Deviant Behavior in Civilian and Military Settings: Experiences from NATO Countries (1990). His most recent articles in English include "European public opinion on the future of its security" (1993) and "Belgians and security issues: a trend analysis (1970-1990)" (1991).

CURRICULUM VITAE

EVERT KETTING

Evert Ketting (1947), PhD, is Deputy Director of the Netherlands Institute of Social Sexological Research (NISSO). He had his academic training in sociology, anthropology, demography and economics at Leiden and Utrecht University. He has been involved in research since 1975, mainly in the fields of family planning, sexual and reproductive health, sexology and mental health. Under his authorship more than 120 scientific articles, research reports and books have appeared in several languages.

Together with Klaas Soesbeek, he has directed the national research project on the position of homosexuals in the Netherlands Armed Forces in 1991/92.

CURRICULUM VITAE

MARINA NUCIARI

Marina Nuciari is Professor of Sociology at the Faculty of Economics at the University of Torino, Italy; and Professor of Military Sociology at the Italian Army Academy, Torino and Italian Navy Academy, Livorno. She is the founding member and Chairman-elect of the European Research Group on Military and Society (ERGOMAS); a member of the International Sociological Association (ISA) Research Committee 01 and a member of the Inter-University Seminar on Armed Forces and Society (IUS).

Her main interests and fields of research are:

- military sociology
- organisation
- social change, development and modernisation studies

She is the author of many articles and essays on military sociology, and of 7 books among which the last are Efficiency and Armed Forces (Milan, 1990), Changing Values. Security, Development, Defence (Torino, 1990, in Italian); Culture, Generation, Value Change (Munich, 1991, in English, with G Sertorio, HU Kohr and HG Räder).

CURRICULUM VITAE

JAN S VAN DER MEULEN

Jan S. van der Meulen (1951) studied Sociology at the University of Utrecht (1969-1976). He served as a conscripted soldier/sociologist. After his military service and up until now, he is working as a researcher for the Stichting Maatschappij en Krijgsmacht (Society and Armed Forces Foundation) at The Hague. He has written about youth, conscription and public opinion on defence-issues. He wrote the chapter on "The Netherlands", in Charles C. Moskos & Frank R. Wood, *The military. More than just a job?* (1988). In 1990 he published (in Dutch) 'Imagining the soldier. Modern war and classical military culture' (doctoral thesis).

CURRICULUM VITAE

GILLES ROBERT

Gilles ROBERT is a French military sociologist, member of the IUS, specialized in the multinational forces and intercultural management, social environment of the military, enlisted men, women in the army.

CURRICULUM VITAE

KLAAS H SOESBEEK

Klaas H. Soesbeek (1955) studied sociology at the University of Groningen. Here, he was involved in research in primary health care for the elderly. From 1986 through 1992 he worked at the former Department of Gay and Lesbian Studies of the University of Utrecht. Apart from the research reported in this article, here he was responsible for research on several social issues regarding gays and lesbians, including bisexuality and AIDS. In 1992/93 he developed a research programme on HIV/AIDS care for the city of Rotterdam.